

# UTAH STATE BOARD OF EDUCATION SPECIFIC LEARNING DISABILITIES (SLD) ELIGIBILITY GUIDELINES

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### Note Regarding Federal and State Regulation Citations

Throughout these guidelines, whenever federal and state regulation language is directly quoted, the text is colored. Language from the Code of Federal Regulations (CFR) is in one color and language from the Utah State Board of Education Special Education Rules (USBE SERs) is in a different color. Since state regulations are based on federal regulations, the language is often the same. In instances where this is the case, the text has been left black. Text is also black in the FAQs section when a regulation is referenced as a resource.

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# SPECIFIC LEARNING DISABILITY

## Introduction

Specific Learning Disability (SLD) is one of 13 qualifying disabilities under the Individuals with Disabilities Education Act (IDEA) and is the most prevalent of all identified disabilities in the nation as well as in the state of Utah.

Students who qualify for special education under the SLD category require and should receive specially designed instruction, and related services as needed, to participate and make progress in the general education curriculum.

Specially designed instruction means adapting as appropriate, content methodology or delivery of instruction to address the unique needs of the student that result from the student's disability to ensure access of the child to the general education curriculum, so that the child can meet the same educational standards of the public agency that apply to all children (34 CFR §300.39(b)(3); USBE SER I.E.43.).

Students with disabilities are entitled to a Free Appropriate Public Education (FAPE) under the law. Special education services and supplementary aids and supports must be provided based on the student's individual needs as determined through a comprehensive evaluation and response to intervention(s). They are provided in addition to, and not in place of, general education services. Additionally, identified students may require accommodations, related services, and/or assistive technology.

- Accommodations reduce or eliminate the effects of a disability without decreasing the learning expectations.
- Related Services means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education (34 CFR §300.34; USBE SER I.E.38.).
- Assistive technology means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of a student with a disability and the service necessary to directly assist a student with a disability in the selection, acquisition, or use of an assistive technology device (34 CFR §300.5; USBE SER I.E.4.).

## Definition (34 CFR §300.8(c)(10); USBE SER II.10.a.)

The Utah State Board of Education Special Education Rules (USBE SERs) refer to the federal definition for SLD as defined in the IDEA:

*Specific Learning Disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance.

*Specific learning disability* does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

## **Federal Requirement (34 CFR §300.307)**

- (a) *General.* A State must adopt, consistent with §300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). In addition, the criteria adopted by the State—
- (1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in §300.8(c)(10);
  - (2) Must permit the use of a process based on the child's response to scientific, research-based intervention; and
  - (3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in §300.8(c)(10).
- (b) *Consistency with State criteria.* A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.

## **Child Find (34 CFR §300.111; USBE SER II.A)**

If a student is receiving instruction and interventions(s) in grade-level standards from qualified staff and is still not making adequate progress, and a disability is suspected, the Child Find mandate of IDEA is triggered. Under this law, local education agencies (LEAs) have a duty to identify and evaluate students they suspect may need special education and related services (between the ages of 3 and 21) regardless of the severity of the disability. This includes students suspected of being students with a disability even though they are advancing from grade to grade. The determination that a student is a “student with a disability” must be made on an individual basis, by a team consisting of the parent, legal guardian, or adult student and school personnel determined by the student’s LEA.

## **SPECIFIC LEARNING DISABILITY ELIGIBILITY GUIDELINES**

### **Determining the Existence of a Specific Learning Disability (34 CFR §300.309(a); USBE SER II.J.10.b.(3–5))**

A student may be determined eligible for special education and related services if an evaluation team determines:

- A. The student does not achieve adequately for the student’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student’s age or State-approved grade-level standards:
  1. Oral expression;
  2. Listening comprehension;
  3. Written expression;
  4. Basic reading skills;
  5. Reading fluency skills;
  6. Reading comprehension;
  7. Mathematics calculation;
  8. Mathematics problem solving; and
- B. Its findings are not primarily the result of:
  1. A visual, hearing, or motor disability;
  2. Intellectual disability;
  3. Emotional disturbance;
  4. Cultural factors;
  5. Environmental or economic disadvantage; or
  6. Limited English proficiency; and
- C. The learning disability adversely affects the student’s educational performance; and
- D. The student needs special education and related services.

### **Evaluation (34 CFR §300.309(b); USBE SER II.J.10.c.)**

An evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion. In addition to appropriate evaluation procedures, referral teams must ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics. The evaluation process must include data that demonstrate that prior to, or as part of, the referral process, the student was provided with appropriate instruction in a regular education setting delivered by qualified instructional staff. To show evidence, teams must provide data-based documentation of repeated

assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction. This documentation must also be provided to the student's parent(s) or the adult student.

## **Procedures for Identifying Students with a Specific Learning Disability (34 CFR §300.307; USBE SER II.J.10.b.(1))**

LEAs may use one of the following three methods to determine eligibility under the SLD category. Each LEA is responsible to identify the method for use in the LEA, obtain local School Board approval, and create guidance in the LEA's policies and procedures manual.

### **A. Response to Intervention (RtI)**

RtI is a process based on the student's response to scientific, research-based intervention which shows the student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified on page three of these guidelines (the team must refer to the *USBE Specific Learning Disability Eligibility Guidelines* when using this method).

### **B. Combination of RtI and Discrepancy**

The Combination of RtI and Discrepancy is a dual process based on the student's response to scientific, research-based intervention AND a discrepancy analysis which identifies that the student's scores demonstrate that a severe discrepancy exists between the student's intellectual ability and academic achievement in one or more of the areas identified on page three of these guidelines (the team must refer to the *USBE Specific Learning Disability Eligibility Guidelines* when using this method).

### **C. Alternative Research-Based Method**

The Alternate Method is a research-based procedure (i.e., Patterns of Strengths and Weaknesses [PSW]) approved by the LEA's School Board and submitted to the USBE that demonstrates the student does not make sufficient progress to meet State-approved age- or grade-level standards in one or more of the areas identified on page three of these guidelines (the team must refer to the *USBE Specific Learning Disability Eligibility Guidelines* when using this method).

A comprehensive evaluation and analysis of data is required for all SLD eligibility methods. Teams should describe and document multiple lines of evidence used in the eligibility determination. All elements of the evaluation process must be carefully considered, discussed with the parent(s) or adult student, and documented. The LEA's chosen method for determining SLD eligibility should be clearly defined and include a system of curriculum, instruction, intervention, and assessment that incorporates the required components of the chosen method.

Training needs are implemented at the LEA level based on the LEA's chosen method. LEAs should ensure that multi-disciplinary teams are adequately trained in the chosen method and should consider a system of training that includes the following components:

- Ongoing supports and professional learning that include leadership, problem-solving teams, data management systems, coaching, and collaboration.
- Monitoring the fidelity of implementation of the process including instruction, intervention, referral, and eligibility determination.



## Guiding Questions

- *Does the LEA have a system in place to deliver high quality instruction aligned to the Utah Core Standards from appropriately credentialed and trained staff?*
- *Does the LEA have a system in place to address the needs of students who need additional targeted support or intervention?*
- *Does the LEA have a consistent pre-referral process that addresses the exclusionary factors of SLD?*

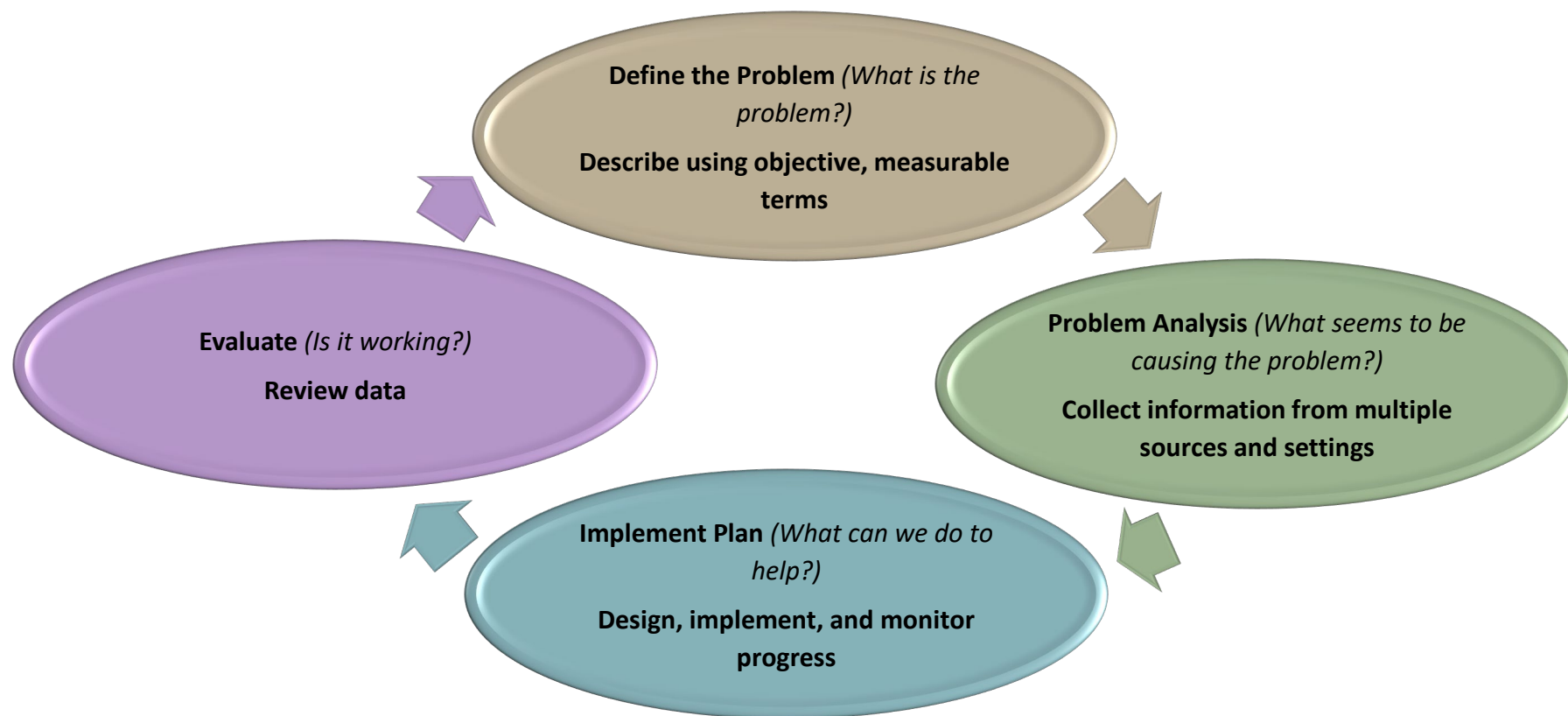
## Considerations for Further Evaluation

The following are indicators and guiding questions that may suggest the need for further evaluation. Progress monitoring data for a targeted skill should be used to make decisions in these areas.

- A. **Unexplained underachievement:** Evidence that the student's lack of achievement cannot be explained by other factors.
  - *Is the student meeting the state-approved grade-level achievement standards?*
  - *Is the student achieving LEA and classroom curricular standards?*
  - *Are there known reasons why he or she is not making expected achievement?*
- B. **Rate of learning:** Evidence over time illustrates that the student's rate of progress is insufficient to keep pace with same-grade peers on attainment of grade-level standards when instruction is implemented with fidelity, or as designed.
  - *Given an equal opportunity to learn (including additional classroom supports and interventions), is the student's learning rate (amount of learning in a fixed period of time) significantly lower than the rate of average peers or of an expected rate of growth?*
  - *What would be required for this student to learn at the expected rate (expected trajectory)?*
- C. **Gaps:** Evidence of gaps in student skill areas compared to peers.
  - *Is the student's performance in skill areas significantly different from peers in his or her class or school, or from state or national norms?*
  - *In what areas is the student's performance significantly different?*
- D. **Intensity of instructional needs:** To make progress toward attainment of grade-level standards, student requires more intensive instructional supports.
  - *Are the student's learning patterns such that sustaining learning requires support different from the core curriculum and instruction in the general education program, including additional supplemental supports, extensive differentiation of instruction, and precise measurement of progress?*
  - *If the support is removed, does the student regress to such an extent that the student cannot achieve state or district standards?*

## The Problem-Solving Process

Engaging in student data analysis through a team-based problem-solving process is a helpful way to determine if a student is in need of special education and related services. The “Problem Solving Process” provides educators with a consistent, step-by-step process to identify academic or behavior problems, select interventions, and evaluate the effectiveness of each intervention. This decision-making framework can be applied to each of the approved methods for determining if a student has a specific learning disability as outlined in these guidelines.



## SLD ELIGIBILITY DETERMINATION COMPONENTS FOR ALL APPROVED METHODS

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p><b>1. LEA Child Find obligation</b> Under the Child Find system of IDEA, each LEA is responsible to ensure that all students with disabilities residing within the LEA’s jurisdiction who are in need of special education and related services are identified, located, and evaluated, regardless of the severity of their disability.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>▪ <i>How does the LEA identify students with disabilities in need of special education and related services in all settings within its jurisdiction?</i></li> <li>▪ <i>How does the LEA notify parents of the need for an evaluation?</i></li> <li>▪ <i>Does the LEA have a method for collecting required data elements?</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <a href="https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms">Model Forms</a> <a href="https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms">https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms</a> <ul style="list-style-type: none"> <li>○ <a href="https://www.schools.utah.gov/specialeducation/_specialeducation/_compliance/_modelforms/_02/Compliance2ReferralEvaluation.doc">2. Referral for Evaluation for Special Education Services</a> (<a href="https://www.schools.utah.gov/specialeducation/_specialeducation/_compliance/_modelforms/_02/Compliance2ReferralEvaluation.doc">https://www.schools.utah.gov/specialeducation/_specialeducation/_compliance/_modelforms/_02/Compliance2ReferralEvaluation.doc</a>)</li> </ul> </li> </ul>	<p><b>34 CFR §300.111(a)(c)</b> (a) General. (1) The State must have in effect policies and procedures to ensure that— (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.... (c) Other children in child find. Child find also must include— (1) Children who are suspected of being a child with a disability under §300.8 and in need of special education, even though they are advancing from grade to grade; and (2) Highly mobile children, including migrant children.</p> <p><b>USBE SER II.A.</b> Consistent with the requirements of Part B of the IDEA and with these Rules, each LEA and USDB shall develop policies and procedures to ensure that all students with disabilities residing within</p>

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		<p>the jurisdiction of the LEA, including students with disabilities birth through 21 years of age and those attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. This shall include a practical method for determining which students are currently receiving needed special education and related services, and provide a process to reevaluate those who are found eligible within the three year timeframe.</p> <p>2. The requirements of this section apply to:</p> <ul style="list-style-type: none"> <li>a. Highly mobile students with disabilities (such as students who are migrant and homeless) (§300.311(c)(2)).</li> <li>b. Students who have been suspended or expelled from school (§300.101(a)).</li> <li>c. Students who have not graduated from high school with a regular high school diploma (§300.102(a)(3)(iii)).</li> <li>d. Students who are suspected of being a student with a disability under these Rules and who are in need of special education and related services, even though they are advancing from grade to grade (§300.111(c)(1)). The determination that a student is a “student with a disability” under these Rules must be made on an individual basis, by a team made up of the parent or adult student and school personnel determined by the student’s LEA.</li> </ul>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
		<p>e. Homeschooled students and students enrolled in private schools within the school district’s boundaries.</p> <p>f. Students in State custody/care.</p> <p>g. Students in nursing homes.</p> <p>3. Public charter schools are responsible for Child Find for students enrolled in their own school, and have no responsibility for Child Find for private school students. Charter schools may not refer enrolled students to the local school district for Child Find.</p> <p>4. Major components of the Child Find system include:</p> <p>a. LEA implementation, coordination, and tracking of Child Find activities and students identified, including homeschooled students and students enrolled in private schools within the school district’s jurisdiction (§300.131).</p> <p>b. Utah State Board of Education (USBE) staff provision of ongoing technical assistance to LEAs, private schools, and other State agencies in implementing the Child Find system.</p> <p>c. Implementation of the statewide data collection system for reporting student information, including Federal student count (§300.132 and §300.640–641) and the data requirements found in Rule VI.B.3, which includes that:</p> <p>(1) Each school district must maintain in its records, and provide to the USBE staff annually,</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
		<p>the following information related to parentally placed or adult student nonprofit private school students:</p> <p>(a) The number of students evaluated and reevaluated within three years;</p> <p>(b) The number of students determined to be students with disabilities; and</p> <p>(c) The number of students served.</p> <p>d. School district collaboration and coordination with State and Local Department of Health, which has responsibility for providing early intervention services for infants and toddlers with disabilities, ages birth through two, under Part C of the IDEA (Interagency Agreement).</p> <p>The collection and use of data to meet the requirements of this section are subject to the confidentiality of information provisions under these Rules and R277-487.</p>
<p><b>2. The parents’ right to request an evaluation</b></p> <p>Parents can request an evaluation for special education consideration at any point in time.</p> <p>a. Parental request for referral cannot be denied or delayed solely because a student has not completed an intervention or step in an Rtl process. However, parents are more likely to allow</p>	<p>•Model Forms <a href="https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms">https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms</a></p> <p>o 2. Referral for Evaluation for Special Education Services (<a href="https://www.schools.utah.gov/specialeducation/_specialeducation/_compliance/_modelforms/_02/Compliance2ReferralEvaluation.doc">https://www.schools.utah.gov/specialeducation/_specialeducation/_compliance/_modelforms/_02/Compliance2ReferralEvaluation.doc</a>)</p>	<p><b>34 CFR §300.301(b)</b></p> <p>(b) Request for initial evaluation. Consistent with the consent requirements in §300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.</p> <p><b>USBE SER II.B.</b></p> <p>Either a parent or the adult student or an LEA may initiate a request for an initial evaluation to determine if a student is a student with a disability under Part B of the IDEA and these Rules. Upon</p>

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<p>the continuing collection of data to determine the need for further evaluation when they:</p> <ol style="list-style-type: none"> <li>1) Are informed of the process;</li> <li>2) Understand the process is not meant to delay an evaluation; and</li> <li>3) Understand that the process is part of an effective instructional cycle.</li> </ol> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Have the parents been informed of this right?</i></li> <li>➤ <i>Have procedural safeguards been provided and explained to parents?</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <a href="https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf">Office of Special Education Programs (OSEP) Memo 11-07</a> (https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf)</li> <li>▪ <a href="http://www.ldonline.org/">LD OnLine</a> (http://www.ldonline.org/)</li> <li>▪ <a href="https://utahparentcenter.org/">Utah Parent Center</a> (https://utahparentcenter.org/)</li> </ul>	<p>receipt of a request for an evaluation, the LEA must respond within a reasonable timeframe. The response may not be delayed due to the LEA's Response to Intervention process.</p>
<p><b>3. Parental notification and consent for initial evaluation</b></p> <p>When an LEA receives a request for an evaluation from a parent or adult student, the LEA must determine if it will conduct an evaluation or not.</p> <ol style="list-style-type: none"> <li>a. If the LEA chooses to conduct the evaluation, the LEA must provide written prior notice of its proposal to evaluate to the parent(s) or adult student. The LEA <b>must also</b> obtain written informed consent from the parent(s) or the adult</li> </ol>	<ul style="list-style-type: none"> <li>▪ <a href="https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms">Model Forms</a> (https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms) <ul style="list-style-type: none"> <li>○ <a href="#">3a. Written Prior Notice and Consent for Evaluation/Re-Evaluation</a></li> <li>○ <a href="#">9. Written Prior Notice of Refusal to Take Action</a></li> </ul> </li> </ul>	<p><b>34 CFR §300.300(a)</b></p> <p>(a) <i>Parental consent for initial evaluation</i> (1)(i) The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 must, after providing notice consistent with §§300.503 and 300.504, obtain informed consent, consistent with §300.9, from the parent of the child before conducting the evaluation.</p> <p>(ii) Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.</p> <p>(iii) The public agency must make reasonable efforts to obtain the informed consent from the</p>

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<p>student before conducting the evaluation.</p> <p>b. If the LEA chooses not to conduct an evaluation, the LEA must provide written prior notice of refusal.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Have the parent(s) or adult student been informed or instructed on the purpose of an evaluation? (e.g., the purpose of an evaluation is to obtain data that may identify eligibility for a type of disability that aligns with state and federal guidelines)?</i></li> <li>➤ <i>Have the parent(s) or adult student given written consent for an evaluation?</i></li> <li>➤ <i>Has it been explained to parent(s) or adult student that consent for an evaluation is not a consent for initial provision of special education and related services? (Give procedural safeguards if not already provided.)</i></li> </ul>		<p>parent for an initial evaluation to determine whether the child is a child with a disability.</p> <p><b>USBE SER II.C.1-3.</b></p> <ol style="list-style-type: none"> <li>1. The LEA proposing to conduct an initial evaluation to determine if a student qualifies as a student with a disability under these Rules must, after providing written prior notice to the parent or adult student, obtain informed consent from the parent of the student or the adult student before conducting the evaluation.</li> <li>2. Parental or adult student consent for initial evaluation must not be construed as consent for initial provision of special education and related services.</li> <li>3. The LEA must make reasonable efforts to obtain informed consent from the parent or adult student for an initial evaluation to determine whether the student is a student with a disability.</li> </ol>
<p><b>4. Initial evaluation</b></p> <p>All evaluations must be completed within 45 school days of receiving parental <b>consent</b> (<i>not 45 days from the referral</i>). It must consist of procedures to determine:</p>	<ul style="list-style-type: none"> <li>▪ <a href="https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms">Model Forms</a> (https://www.schools.utah.gov/specialeducation/programs/compliance#Model%20Forms)</li> </ul>	<p><b>34 CFR §300.301(c)</b></p> <p><i>(c) Procedures for initial evaluation. The initial evaluation—</i></p> <p><i>(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or</i></p>



Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>a. If the student is a student with a disability; and</p> <p>b. The educational needs of the student.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ Which area(s) is a disability suspected in the referral?</li> <li>➤ What other areas warrant consideration in the comprehensive assessment?</li> <li>➤ What area(s) of need is(are) reflected in the existing data?</li> <li>➤ Does the student have a disability?</li> <li>➤ Does the student’s disability adversely affect the student’s educational performance?</li> <li>➤ Does the student require special education and related services?</li> </ul>	<ul style="list-style-type: none"> <li>○ <a href="#">1. Regular Education Interventions/ At Risk Documentation</a></li> <li>○ <a href="#">2. Referral for Evaluation for Special Education Services</a></li> <li>○ <a href="#">3b. Evaluation/Reevaluation Testing</a></li> <li>○ <a href="#">4. Notice of Meeting</a></li> <li>○ <a href="#">4a. Notice of Meeting to Adult Student</a></li> </ul>	<p>(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and</p> <p>(2) Must consist of procedures—</p> <p>(i) To determine if the child is a child with a disability under §300.8; and</p> <p>(ii) To determine the educational needs of the child.</p> <p><b>USBE SER II.D.1-2.</b></p> <p>1. Each LEA must conduct a full and individual initial evaluation to determine whether a student is a “student with a disability” under Part B of the IDEA and these Rules, and to determine the educational needs of the student.</p> <p>2. The initial evaluation:</p> <p>a. Must be conducted within 45 school days of receiving parental or adult student consent for the evaluation, unless the initial evaluation was requested by DCFS, in which case it must be conducted within 30 calendar days (53E-7-207); and</p> <p>b. Must consist of procedures to determine:</p> <p>(1) If the student is a student with a disability; and</p> <p>(2) The educational needs of the student.</p> <p><b>USBE SER II.J.10.c(3)</b></p> <p>(3) The LEA must adhere to the 45-school-day evaluation timeframe, unless extended by mutual written agreement of the student’s parent(s) or adult student and a group of qualified professionals:</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
		<p>(a) If, prior to a referral, a student has not made adequate progress after an appropriate period of time as determined by the LEA when provided appropriate instruction, and</p> <p>(b) Whenever a student is referred for an evaluation.</p>
<p><b>5. Comprehensive evaluation</b> To determine whether a child has a specific learning disability, the LEA must use a variety of technically sound assessment tools and strategies to gather relevant <b>functional, developmental, and academic</b> information about the student, including information provided by the parent. <b><i>It is not permissible to use any single measure or assessment as the sole criterion.</i></b> A comprehensive evaluation process includes:</p> <p>a. A review of all existing data collected to date, including, at minimum:</p> <ol style="list-style-type: none"> <li>1) Results from classroom-based, district or state assessments;</li> <li>2) Evaluations and information provided by the parents;</li> <li>3) A review of attendance and discipline referral data;</li> </ol>	<ul style="list-style-type: none"> <li>▪ Acadience Reading</li> <li>▪ Aimsweb</li> <li>▪ easyCBM (curriculum-based measurement) system</li> <li>▪ Fountas and Pinell</li> <li>▪ Guided Reading Levels</li> <li>▪ End-of-level assessments</li> <li>▪ District-specific benchmarks and progress monitoring tools</li> <li>▪ <a href="#">Model Forms</a> <ul style="list-style-type: none"> <li>○ <a href="#">3b. Evaluation/Reevaluation Testing</a></li> </ul> </li> </ul>	<p><b>34 CFR §300.304(b-c); USBE SER II.F.1.</b> Each LEA shall establish and implement procedures that meet the evaluation requirements of Part B of the IDEA and these Rules as follows:</p> <p><b>(b);1. Conduct of evaluation.</b> In conducting the evaluation, the public agency/LEA must—</p> <p><b>(1);a.</b> Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child/student, including information provided by the parent or adult student, that may assist in determining—</p> <p><b>(i);(1)</b> Whether the child/student is a child/ student with a disability under §300.8; and</p> <p><b>(ii);(2)</b> The content of the child’s/student’s IEP, including information related to enabling the child/student to be involved in and progress in the general education curriculum (or for a preschool child/student, to participate in appropriate activities);</p> <p><b>(2);b.</b> Not use any single measure or assessment as the sole criterion for determining whether a child/student is a child/student with a disability</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>4) A summary of the results of the required observation of the student in the student’s learning environment (including the regular classroom setting) to document the student’s academic performance and behavior in the areas of concern;</p> <p>5) The results of any individual assessments conducted, and the educational implications; and</p> <p>6) Verification of student achievement levels using standardized or norm-referenced assessments in the area(s) of concern. (The purpose is to ensure confidence that the student’s achievement levels reflect underachievement when compared with age- or grade-level norms.)</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ Which assessment tools have you used?</li> <li>➤ What data in the area(s) of concern have you reviewed?</li> </ul>		<p>and for determining an appropriate educational program for the <b>child/student</b>; and <b>(3)</b>;c. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. <b>LEAs may consider the publication date and continued validity of assessment in use when new editions are published.</b></p> <p><b>(c);d. Other evaluation procedures.</b> Each <b>public agency/LEA</b> must ensure that—</p> <p><b>(1)</b> Assessments and other evaluation materials used to assess a <b>child/student under this part—</b></p> <p><b>(i);(1)</b> Are selected and administered so as not to be discriminatory on a racial or cultural basis;</p> <p><b>(ii);(2)</b> Are provided and administered in the <b>child's/student’s</b> native language or other mode of communication and in the form most likely to yield accurate information on what the <b>child/student</b> knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to <b>so provide or administer</b>;</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p><b>6. Reevaluation Procedures</b>            An LEA must ensure that a reevaluation of each student with a disability is conducted to determine if the student continues to be a student with a disability:</p> <ul style="list-style-type: none"> <li>a. If the LEA determines that the educational or related services needs, including improved academic and functional performance of the student, warrant a reevaluation; or</li> <li>b. If the student’s parent or teacher or the adult student requests a reevaluation.</li> <li>c. A reevaluation:               <ul style="list-style-type: none"> <li>1) May not be conducted more than once a year and must occur at least once every three years unless the parent(s) or adult student and the LEA agree to another schedule.</li> <li>2) If the parent or adult student and the LEA agree that a reevaluation is not needed because there are existing data to support continued eligibility and determine educational needs, the team</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Review of existing data</li> <li>▪ Review of external data available</li> <li>▪ <a href="#">Model Forms</a> <ul style="list-style-type: none"> <li>○ <a href="#">3a. Prior Written Notice and Consent for Evaluation/Re-Evaluation</a></li> <li>○ <a href="#">3b. Evaluation/Re-evaluation Testing</a></li> </ul> </li> </ul>	<p><b>34 CFR §300.303; USBE SER II.G.</b>  <b>(a);1. General.</b> A public agency/An LEA must ensure that a reevaluation of each child/student with a disability is conducted in accordance with §§300.304 through 300.311—  <b>(1);a.</b> If the public agency/ LEA determines that the educational or related services needs, including improved academic achievement and functional performance, of the child/student warrant a reevaluation; or  <b>(2);b.</b> If the child's/student’s parent or adult student or teacher requests a reevaluation.  <b>(b);2. Limitation.</b> A reevaluation conducted under paragraph (a) of this section—  <b>(1);a.</b> May occur not more than once a year, unless the parent or adult student and the public agency/LEA agree otherwise; and  <b>(2);b.</b> Must occur at least once every 3 years, unless the parent or adult student and the public agency/LEA agree that a reevaluation is unnecessary as there are data available to continue eligibility and determine the educational needs of the student. When the parent or adult student and LEA agree that a reevaluation is unnecessary, the team must document data reviewed and used in an evaluation report and complete an eligibility determination.  <b>3. Parental or adult student consent for reevaluations (§300.300).</b></p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>must complete an eligibility determination and document the data reviewed in the evaluation report.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Is there documentation of any independent or outside evaluations that were considered as part of existing data?</i></li> <li>➤ <i>Has all new relevant background information been updated?</i></li> <li>➤ <i>Are there new areas of concern that need to be addressed?</i></li> <li>➤ <i>Has the specially designed instruction been reviewed and documented?</i></li> <li>➤ <i>Have the present level of academic and functional performance been reviewed?</i></li> </ul>		<p>a. Each LEA must obtain informed parental or adult student consent prior to conducting any reevaluation of a student with a disability.</p> <p>b. If the parent or adult student refuses to consent to the reevaluation, the LEA may, but is not required to, pursue the reevaluation by using the dispute resolution procedures provided in the Procedural Safeguards, and including mediation or due process procedures.</p> <p>c. The LEA does not violate its obligation under Child Find if it declines to pursue the reevaluation.</p> <p>d. The informed parental or adult student consent need not be obtained if the LEA can demonstrate that:</p> <ul style="list-style-type: none"> <li>(1) It made reasonable efforts to obtain such consent; and</li> <li>(2) The student’s parent or the adult student has failed to respond.</li> </ul>
<p><b>7. Evidence of high quality, research-based, differentiated instructional strategies that are delivered by qualified instructional staff in the general education setting</b></p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Which differentiation strategies were utilized by the classroom teacher?</i></li> <li>➤ <i>Were the differentiation strategies implemented with fidelity?</i></li> </ul>		<p><b>34 CFR §300.309(b)(1-2); USBE SER II.J.10.c.(2)(a-b)</b></p> <p>(b);(2) To ensure that underachievement in a child/student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation <b>described in §§300.304 through 300.306—</b></p> <p><b>(1);(a)</b> Data that demonstrate that prior to, or as a part of, the referral process, the child/student was provided appropriate instruction in regular</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<ul style="list-style-type: none"> <li>➤ <i>Were the differentiated strategies implemented for a sufficient period to determine that the lack of progress is not linked to other exclusionary factors?</i></li> <li>➤ <i>Were the parents informed of the strategies used and the method for data collection?</i></li> <li>➤ <i>Was the student given access to the content in general education class(es) with supports and failed to make adequate progress?</i></li> </ul>		<p>education settings, delivered by qualified personnel; and  <b>(2);(b)</b> Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the <b>child’s parents/student’s parent(s) or the adult student.</b></p>
<p><b>8. Evidence of access to grade level curricula that is aligned to the Utah Core Standards</b> The comprehensive evaluation must include data demonstrating that the student was provided with appropriate instruction in the regular education setting that rules out the following factors:</p> <ul style="list-style-type: none"> <li>a. Lack of instruction in reading,</li> <li>b. Lack of instruction in math, and</li> <li>c. Limited English proficiency.</li> </ul> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Was appropriate instruction delivered by qualified instructional staff in the areas of reading and math in a general education setting?</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ Analysis of classroom data</li> <li>▪ Analysis of school grade level data</li> <li>▪ Analysis of individual student level data</li> </ul>	<p><b>34 CFR §300.306(b)(1); USBE SER II.I.3.a.(1-3)(b);3. Special rule for eligibility determination.</b> A <b>child/student</b> must not be determined to be a <b>child/student</b> with a disability <b>under this part—(1);a.</b> If the determinant factor for that determination is—  <b>(i);(1)</b> Lack of appropriate instruction in reading, including the essential components of reading instruction (<b>as defined in section 1208(3) of the ESEA; phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency</b>);  <b>(ii);(2)</b> Lack of appropriate instruction in math; or  <b>(iii);(3)</b> Limited English proficiency;</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<ul style="list-style-type: none"> <li>➤ <i>Were the essential components of reading instruction addressed (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency)?</i></li> <li>➤ <i>Was the student provided effective math instruction built upon the Standards for Mathematical Practice?</i></li> <li>➤ <i>Did the instruction use the Utah Core standards?</i></li> <li>➤ <i>Was the student present to receive the instruction or intervention needed?</i></li> <li>➤ <i>What means were used to identify the targeted area in need of differentiated instruction?</i></li> <li>➤ <i>Was the instruction implemented with fidelity over a sufficient period according to research and as designed?</i></li> <li>➤ <i>Does the review of the cumulative file indicate that the student attended school regularly?</i></li> </ul>		
<p><b>9. Exclusionary factors</b>  Determination was not primarily the result of the following factors:</p> <ul style="list-style-type: none"> <li>a. Vision,</li> <li>b. Hearing,</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Screenings</b> <ul style="list-style-type: none"> <li>○ Snellen (far-sighted)</li> <li>○ Near Point (near-sighted)</li> <li>○ Hearing screening</li> <li>○ Gross and fine motor</li> </ul> </li> </ul>	<p><b>34 CFR §300.309(a)(3)(i-vi); USBE SER II.10.b.(3)(b)(i-vi)</b>  (3);(b) The group determines that its findings under paragraphs (a)(1) and (2) of this section are not primarily the result of—</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>c. Motor disability, d. Intellectual disability, e. Emotional disturbance, f. Cultural factors, g. Environmental or economic disadvantage, or h. Limited English proficiency</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Does the team have data to rule out the exclusionary factors listed above?</i></li> <li>➤ <i>Does the student have a history of limited formal education (i.e., preschool, kindergarten, home instruction)?</i></li> <li>➤ <i>Does the student have attendance issues or demonstrate chronic absenteeism (absent more than 20% of the time)?</i></li> <li>➤ <i>Is the student highly mobile (changing schools often)?</i></li> <li>➤ <i>Do the student’s home responsibilities interfere with learning and social activities (caring for siblings, working, or other)?</i></li> <li>➤ <i>Does the LEA have an effective and consistent referral process for students learning English?</i></li> <li>➤ <i>Has a home language survey or interview with the parent/guardian been conducted?</i></li> </ul>	<ul style="list-style-type: none"> <li>○ Psychomotor</li> <li>▪ <b>Assessments</b> <ul style="list-style-type: none"> <li>○ Intelligence/cognitive</li> <li>○ WIDA ACCESS</li> <li>○ Adaptive</li> <li>○ Behavior rating scales</li> </ul> </li> <li>▪ <b>Other Input</b> <ul style="list-style-type: none"> <li>○ Parent information</li> <li>○ Classroom observations</li> </ul> </li> </ul>	<p>(i) A visual, hearing, or motor disability; (ii) An intellectual disability; (iii) Emotional disturbance; (iv) Cultural factors; (v) Environmental or economic disadvantage; or (vi) Limited English proficiency.</p>



Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p><b>10. Students Learning English considerations should include cultural, language, and environmental factors</b></p> <p>The LEA must have a consistent process for referral of students who are learning English outlined in their policies and procedures manual that aligns with Title III and IDEA guidelines.</p> <p>a. Teams should consider the degree of linguistic demand and the degree of cultural loading when choosing and interpreting results of academic and cognitive assessments.</p> <p>b. Data from WIDA ACCESS, if available, should be included as part of the comprehensive evaluation process.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Has the student’s educational progress been compared against the student’s true peers’ progress to determine if the student’s response to intervention is substantially different?</i></li> <li>➤ <i>Does the LEA have a consistent referral process that considers the</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <a href="http://rtinetwork.org/getstarted/sld-identification-toolkit/ld-identification-toolkit-considerations-for-ell">RTI-Based SLD Identification Toolkit</a> (http://rtinetwork.org/getstarted/sld-identification-toolkit/ld-identification-toolkit-considerations-for-ell)</li> </ul>	<p><b>34 CFR §300.304(c)(1)(i–ii); USBE SER II.F.1.d.(1–2)(1);d. Each LEA must ensure that assessments and other evaluation materials used to assess a child/student under this part—</b></p> <p><b>(i);(1)</b> Are selected and administered so as not to be discriminatory on a racial or cultural basis;</p> <p><b>(ii);(2)</b> Are provided and administered in the <b>child’s/student’s</b> native language or another mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to <b>so provide or administer;</b></p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p><i>rate of language acquisition in relationship to academic performance?</i></p> <p>➤ <i>Has the team utilized a culturally and linguistically appropriate assessment plan, including, but not limited to, nonverbal assessment tools?</i></p>		
<p><b>11. Observation completed in the required setting</b> Behavioral observations should consider environmental changes that may affect a student’s behavior.</p> <p><b>Guiding Questions</b></p> <p>➤ <i>Has the required observation been completed in the student’s learning environment (including the regular classroom setting) to document the student’s academic performance and behavior in the areas of difficulty as documented in the referral?</i></p> <p>➤ <i>Does the LEA have a process for determining who will conduct the observation and how it will be conducted for a student who is homeschooled?</i></p>	<ul style="list-style-type: none"> <li>▪ <a href="#">Model Forms</a> <ul style="list-style-type: none"> <li>○ <a href="#">13. Observation Report: Specific Learning Disabilities (SLD)</a></li> <li>○ <a href="#">14. Behavior Observation Report</a></li> </ul> </li> </ul>	<p><b>34 CFR §300.310(a-c); USBE SER II.J.10.c.(4)(a-c)</b> <b>(a);(4)</b> The public agency/LEA must ensure that the child/student is observed in the child’s/student’s learning environment (including the regular classroom setting) to document the child’s/student’s academic performance and behavior in the areas of concern. <b>(b);(a)</b> The group/team described in §300.306(a)(1), in determining whether a child/student has a specific learning disability, must decide to— <b>(1);(i)</b> Use information from an observation in routine classroom instruction and monitoring of the child’s/student’s performance that was done before the child/student was referred for an evaluation; or <b>(2);(ii)</b> Have at least one member of the group/team described in §300.306(a)(1) conduct an observation of the child’s/student’s academic performance in the regular classroom after the child/student has been referred for an evaluation</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
		<p>and parental consent or consent of the adult student, consistent with §300.300(a), is obtained.</p> <p>(b) If the student is a homeschooled student, the LEA may determine how to conduct the observation and who will conduct it.</p> <p>(c) In the case of a child/student of less than school age or out of school, a group member must observe the child/student in an environment appropriate for a child/student of that age.</p>
<p><b>12. Team members</b></p> <p>The following people must be included as members of the eligibility team:</p> <ul style="list-style-type: none"> <li>a. Parent(s) or guardian(s);</li> <li>b. The student’s regular education teacher; if the student does not have a regular education teacher, a regular education teacher qualified to teach a student of his or her age must attend;</li> <li>c. At least one person qualified to administer/conduct and interpret the instructional implications of evaluation results, such as: <ul style="list-style-type: none"> <li>1) School psychologist;</li> <li>2) Speech-language pathologist;</li> <li>3) Special education teacher;</li> <li>4) Special education eligibility evaluator;</li> </ul> </li> </ul>		<p><b>34 CFR §300.308; USBE SER II.J.10.b.(2)</b></p> <p>The determination of whether a child/student suspected of having a specific learning disability is a child/student with a disability as defined in §300.8, must be made by the child’s/student’s parents or adult student and a team of qualified professionals, which must include—</p> <p>(a)(1);(a) The child’s/student’s regular teacher; or</p> <p>(2);(b) If the child/student does not have a regular teacher, a regular classroom teacher qualified to teach a child/student of his or her age; or</p> <p>(3);(c) For a child/student of less than school age, an individual qualified by the SEA/USBE to teach a child/student of his or her age; and</p> <p>(b);(d) At least one person qualified to conduct individual diagnostic examinations of children/students and interpret the results of those assessments (as per the publisher’s criteria for assessment administration and interpretation), such as a school psychologist, speech-language</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>5) Reading specialist, etc.;</p> <p>d. The student (if applicable).</p> <p><i>Note: An LEA representative is not a required member of the eligibility team. However, an LEA representative is a required member of the IEP team.</i></p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Do the team members who administered/conducted and interpreted the data meet the criteria (have had the necessary training or hold the required certification) as outlined in the USBE Special Education Rules?</i></li> <li>➤ <i>Do the team members who administered and interpreted the data meet the criteria as outlined in the test administration manual/publisher’s guidelines (have had the necessary training or hold the required certification)?</i></li> <li>➤ <i>Are the assessments used normed for the intended student subgroup?</i></li> <li>➤ <i>Does the examiner consider the assessment to be valid?</i></li> </ul>		<p>pathologist, or remedial reading teacher or reading specialist, or special education teacher.</p>
<p><b>13. Eligibility determination and documentation</b></p> <p>Upon completion of the comprehensive evaluation process,</p>	<ul style="list-style-type: none"> <li>➤ Team Evaluation Summary Reports</li> <li>➤ Written Prior Notice of Eligibility Determination</li> </ul>	<p><b>34 CFR §300.311(a)(1-6); USBE SER II.J.10.c.(5)(a);(5)</b> For a child suspected of having a specific learning disability, the documentation of the determination of eligibility with a specific learning</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>the team must meet to review all the data and make an eligibility determination. The team must complete an evaluation summary report that ensures that the decision regarding eligibility does not rely on a single source of data.</p> <p>a. The summary must document:</p> <ol style="list-style-type: none"> <li>1) The team’s decision of whether the student has a specific learning disability;</li> <li>2) The basis for making the determination;</li> <li>3) The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student’s academic functioning;</li> <li>4) Any educationally relevant medical findings;</li> <li>5) The data used to make the decision;</li> <li>6) The exclusionary factors considered; and</li> <li>7) Whether the student meets the criteria for the LEA’s chosen method of identification.</li> </ol>	<ul style="list-style-type: none"> <li>▪ <a href="#">Model Forms</a> <ul style="list-style-type: none"> <li>○ <a href="#">5ja. Team Evaluation Summary Report and Prior Written Notice of Eligibility Determination: Response to Intervention (Rtl)</a></li> <li>○ <a href="#">5jb. Team Evaluation Summary Report and Prior Written Notice of Eligibility Determination: Specific Learning Disability - Method B: Combination of Rtl and Discrepancy Analysis</a></li> <li>○ <a href="#">5jc. Team Evaluation Summary Report and Prior Written Notice of Eligibility Determination: Specific Learning Disability - Method C: Other Alternative Research-Based Method</a></li> </ul> </li> </ul>	<p>disability, as required in §300.306(a)(2), must contain a statement of—</p> <p>(1);(a) Whether the child/student has a specific learning disability;</p> <p>(2);(b) The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1);</p> <p>(3);(c) The relevant behavior, if any, noted during the observation of the child/student and the relationship of that behavior to the child’s/student’s academic functioning;</p> <p>(4);(d) The educationally relevant medical findings, if any; and</p> <p>(5) Whether—</p> <p>(i)The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards consistent with §300.309(a)(2)(i); and</p> <p>(e) Whether the student meets the criteria of (f) or (g) or (h) below.</p> <p>(ii)(A);(f) <b>Rtl</b>. The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with §300.309(a)(2)(i) when using a process based on the student’s response to scientific evidence-based interventions; or</p> <p>(g) <b>Combination (Rtl and Discrepancy Analysis)</b>. (i) Does not make sufficient progress to meet State-approved age-or grade-level standards when using a process based on the student’s response to scientific evidence-based interventions <b>AND</b> (ii) a</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>8) Documentation that all team members have participated in the eligibility determination and that the report reflects each member's conclusion, if a team members determination is different than other team members, documentation must include a statement of the dissenting team members conclusion.</p> <p>b. Teams must take the following into consideration:</p> <ol style="list-style-type: none"> <li>1) Insufficient progress in an Rtl system in and of itself does not determine eligibility for SLD, <b>exclusionary factors should also be addressed.</b></li> <li>2) Lack of a severe discrepancy alone cannot be the deciding factor.</li> <li>3) If a student is making sufficient progress to meet state-approved age- or grade-level standards, the child is likely not a child with a specific learning disability.</li> <li>4) Variability within a cognitive profile must be related to the area(s) of academic concern.</li> </ol>		<p>discrepancy analysis identifies that the student's scores demonstrate that a severe discrepancy exists between the student's intellectual ability and academic achievement.</p> <p>(B);(h) <b>Alternative.</b> The use of other alternative research-based procedures (e.g., Patterns of Strengths and Weaknesses [PSW]) approved by LEA school boards and submitted to the USBE.</p> <p>(i) ... that demonstrates the student does not make sufficient progress to meet State-approved age- or grade-level standards ...</p> <p>(5);(ii)The <b>child/student</b> exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development <b>consistent with §300.309(a)(2)(ii);</b></p> <p>(6);(6) The determination of the <b>group/team</b> concerning the effects of a visual, hearing, motor disability, or an intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the <b>child's/student's</b> achievement level;</p> <p>(7) <b>The requirements of Rules II.D-H must be met.</b></p> <p>(b);(8) Each <b>group/team</b> member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the <b>group/team</b> member must submit a separate statement presenting the member's conclusions.</p>

Components of SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>What information is the data providing?</i></li> <li>➤ <i>Is there conflicting data?</i></li> <li>➤ <i>How is the team utilizing the data?</i></li> <li>➤ <i>What is the problem that is interfering with learning/behavior?</i></li> <li>➤ <i>How does the curriculum and setting affect the student’s learning?</i></li> <li>➤ <i>What is the status of the interventions?</i></li> <li>➤ <i>Is the appropriate deficit being targeted?</i></li> <li>➤ <i>What additional supports are necessary?</i></li> <li>➤ <i>Are there any medical or mental health findings, behaviors, or other disabilities that are affecting the student’s achievement level?</i></li> </ul>		

### **Additional Considerations for all SLD Eligibility Determination Methods**

Informing and involving parents throughout the instructional process is important. When included in the decision-making process, parents provide a critical perspective on the student and intervention support, thus increasing the likelihood that interventions will be effective and that the data support, the presence or absence of a learning disability. For this reason, schools should make a concerted effort to involve parents as early as possible, beginning with instruction in the Utah Core Standards. This can be done through traditional methods such as parent-teacher conferences, regularly scheduled meetings, or other forms of communication.

Parental consent is not required for assessments used to inform the instructional process, such as universal screening and progress-monitoring. However, written, informed parental consent is required at the point of referral for a comprehensive evaluation for any additional assessments that are needed.

## METHOD A – RESPONSE TO INTERVENTION (RTI)

When an LEA uses RtI to determine if a student is eligible for special education services under SLD, the parents must be notified about: (A) the State's policies regarding the amount and nature of student performance data that will be collected and the general education services that will be provided; (B) strategies for increasing the child's rate of learning; and (C) the parents' right to request an evaluation (34 CFR §300.311(a)(7)(ii)). This notification must be documented in the eligibility determination. The USBE is required to have clear state policies pertaining to the use of RtI for determination of eligibility. The LEA is required to have a policy and procedures manual where information is communicated to parents on the use of RtI for eligibility within their LEA. Furthermore, RtI must not be used to delay identification. The IDEA requires the school to promptly request parental consent to evaluate a child suspected of SLD who has not made adequate progress under an RtI model (34 CFR §300.309(c)).

An effective RtI process is predicated on the belief that we can effectively teach all children through a multi-tiered model of service delivery. To achieve this, we must:

- Intervene early because it is more efficient than waiting until a problem becomes severe.
- Use a problem-solving method to make team decisions within a multi-tiered model based on individual student data.
- Use research-based, scientifically validated interventions/instruction.
- Use data to make decisions.

### Core Components of RtI

#### A. High quality research-based instruction delivered by qualified instructional staff in the general education setting.

RtI is based on the premise that most (80% or more) students can achieve if the core instructional process (i.e., program and instructional strategies) is research-based and delivered by qualified instructional staff. Therefore, the foundation to any RtI or multi-tiered system is dependent upon a strong core curriculum. This is often referred to as Tier 1 instruction.

#### B. Assessment of student performance that specifically includes universal screening and progress monitoring.

Universal screening is a brief, reliable, and easy-to-administer school-wide assessment. The screening consists of probes that are aligned to the core curriculum and state academic standards. These screenings typically are conducted three times a year—fall, winter, and spring. The purpose of universal screening is to determine which students have achieved benchmark skills (data norms for classroom, grade, school, and/or district) for the grade and time of year.

Progress monitoring is ongoing assessment that provides the objective data to determine which students are making adequate progress toward a specific goal and benefiting from the current instruction. These data assist with the decision to continue, modify, stop, or begin a different instructional intervention. Students are progress monitored weekly, biweekly, bimonthly, or monthly, depending on the intensity of the intervention that is being provided. Sufficient data should be gathered to reliably determine progress.



**C. Multiple tiers of scientifically validated interventions to address individual student difficulties.**

Some students will need supplemental interventions that are aligned to the core curriculum/grade level standards to achieve at a proficient level. A few students may need more intensive interventions aligned to the core curriculum/grade level standards. LEAs that are implementing RtI should provide research-based, Tier 2 supplemental and Tier 3 intensive interventions within core instruction or in addition to core instruction during school-wide intervention time, or in small group settings. Interventions are determined and adjusted through the review of individual student data.

**D. Systematic and regular parent(s) or adult student and/or family involvement and communication.**

LEAs using a multi-tiered approach communicate regularly with families. Families are provided information that describes the multi-tiered process, so they understand that students will receive instructional supports based on their instructional needs. Progress-monitoring data is shared with families on a regular basis, so they are aware of their child's performance and progress in the general curriculum.

**E. System supports (e.g., leadership, problem-solving, data management systems, coaching and collaboration, professional development, and measures of fidelity) in place to ensure effective implementation.**

LEAs implementing RtI understand that effective instructional practices depend on the availability of a variety of system supports. System supports facilitate collaboration within grade levels, content areas, and across the school; the effective use of data for decision making; and ongoing professional learning. System supports also ensure that instructional programs and interventions are used with fidelity (i.e., implemented in the way they were intended for the desired results to be achieved).

When using an RtI process, a problem-solving team meets regularly to review student progress monitoring data to ensure that the student is progressing in general education grade-level core standards. The team tracks student progress and makes recommendations for interventions. If applicable to the LEAs process, the problem-solving team is also responsible for referring students for a comprehensive evaluation to determine if a student has a disability and meets criteria for eligibility under IDEA.

When using an RtI process as part of SLD determination, consideration for referral should be made after:

- A student has been provided with scientifically validated tiered instruction and intervention from qualified personnel with documented progress monitoring data over a sufficient period of time (the amount of time needed to document progress is based on research for the specific intervention, the level of intensity, duration and frequency).
- Any interruptions in a child's attendance have been addressed in addition to the consideration of regression and recoupment and the amount of time that may be needed to extend a specific intervention.
- Examination of classroom-wide data for evidence that effective instruction is being implemented (60–80% of students meeting benchmark; *RtI Action Network, Edward S. Shapiro Center for Promoting Research to Practice, Lehigh University, Bethlehem, PA*).

If the use of a process based on the child’s response to scientific, research-based interventions to determine SLD (RtI) is **required** (by the LEA), this process would be **required for all children** suspected of having an SLD in all schools within the LEA. If this process is **not required but permitted** by the LEA, **a school would not have to wait** until RtI is implemented in all schools (OSEP Letter, 2007).

### Additional Components for Method A – RtI

The components of the RtI method outlined below **are in addition to** the twelve components outlined above (pp. 10–30), including but not limited to, the need for a comprehensive evaluation, the procedural safeguards, or any additional eligibility determination procedures required by IDEA and the USBE SERs.

Additional Components When Using RtI for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>1. <b>RtI and the evaluation report</b></p> <p>a. The evaluation report must include a statement of whether the student made sufficient progress to meet State-approved age- or grade-level standards in response to the scientific, research-based interventions implemented by the LEA.</p> <p>b. Parents can request an evaluation for special education consideration at any point in time. An evaluation cannot be delayed or denied because a student has not completed a set number of interventions.</p> <p>c. When a referral is made before completion of a tiered intervention, progress monitoring data should continue to be</p>	<ul style="list-style-type: none"> <li>▪ Team Evaluation Summary Reports and Written Prior Notice of Eligibility Determination</li> <li>▪ <a href="#">Model Forms</a> <ul style="list-style-type: none"> <li>○ <a href="#">5ja. Team Evaluation Summary Report and Prior Written Notice of Eligibility Determination: Specific Learning Disability - Method A: Response to Intervention (RTI)</a></li> </ul> </li> <li>▪ SDI Guidelines</li> <li>▪ <a href="#">National Center on Intensive Intervention</a></li> <li>▪ <a href="#">RTI Action Network</a></li> <li>▪ <a href="#">RTI-Based Specific Learning Disability Determination Worksheet</a></li> </ul>	<p><b>34 CFR §300.311(a)(7)(i-ii)</b></p> <p>(a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in §300.306(a)(2), must contain a statement of—</p> <p>(7) If the child has participated in a process that assesses the child’s response to scientific, research-based intervention—</p> <p>(i) The instructional strategies used, and the student-centered data collected; and</p> <p>(ii) The documentation that the child’s parents were notified about—</p> <p>(A) The State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;</p> <p>(B) Strategies for increasing the child’s rate of learning; and</p> <p>(C) The parents’ right to request an evaluation.</p>

Additional Components When Using Rtl for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>collected as part of the comprehensive evaluation process.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Does the LEA have a strong Tier 1 program in place?</i></li> <li>➤ <i>Is student data available from a schoolwide Universal Screening assessment tool?</i></li> <li>➤ <i>Did progress monitoring include ongoing targeted assessment in the area(s) of concern?</i></li> <li>➤ <i>Is student data available from Tier 2 and Tier 3 interventions and included in the evaluation report?</i></li> <li>➤ <i>Does the evaluation reflect data collected and analyzed through a problem-solving approach?</i></li> <li>➤ <i>Does the evaluation report summary document the formal and informal data collected during the assessment process?</i></li> <li>➤ <i>Have the parents been informed about the type of intervention their student is receiving?</i></li> <li>➤ <i>Have the parents been provided with documentation of student progress during the intervention period?</i></li> </ul>		<p><b>USBE SER II.J.10.c.(5)(e–f)</b></p> <p>(5) The team’s documentation of the determination of eligibility with a specific learning disability must contain a statement of:</p> <p>(e) Whether the student meets the criteria ... below.</p> <p>(f) <b>Rtl.</b> Does not make sufficient progress to meet State-approved age-or grade-level standards when using a process based on the student’s response to scientific evidence-based interventions.</p> <p>(i) The LEA has a process that assesses a student’s response to scientific, research-based intervention as part of determining if the student has a specific learning disability. This process must include:</p> <p>(ii) High quality research-based instruction delivered by qualified staff in the general education setting; and</p> <p>(iii) Assessment of student performance that specifically includes universal screening and progress-monitoring; and</p> <p>(iv) Multiple tiers of evidence-based interventions to address individual student difficulties; and</p> <p>(v) Documentation of systematic and regular parent, adult student, and/or family</p>

Additional Components When Using Rtl for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
		<p>involvement and communication as well as notification about:</p> <p>(A) The State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided (the team must refer to the <i>USBE Specific Learning Disability Eligibility Guidelines</i> when using this method);</p> <p>(B) Strategies for increasing the student’s rate of learning; and</p> <p>(C) The parent(s)’ or the adult student’s right to request an evaluation; and</p> <p>(vi) System supports (e.g., leadership, problem-solving, data management systems, coaching and collaboration, professional development, and measures of fidelity) in place to ensure effective implementation; or</p> <p>(vii) The instructional strategies used, and the student-centered data collected.</p>

## METHOD B – COMBINATION (RTI AND DISCREPANCY ANALYSIS)

Traditionally, eligibility for SLD has been made by demonstrating that the student has a severe discrepancy between aptitude (intelligence) and achievement. A discrepancy analysis uses a regression equation to predict a student’s achievement based on intellectual ability and suggests that a specific learning disability is present if there is evidence of unexpected underachievement in academic performance. However, the reauthorization of IDEA regulations that became effective October 13, 2006, prohibit the State from requiring the use of a discrepancy (34 CFR §300.307(a)(1)). **Starting July 1, 2019, eligibility for SLD cannot be determined using a Discrepancy Method in isolation.** However, a discrepancy analysis may be considered in combination with the RtI Method.

When using the Combination Method of RtI and discrepancy analysis, data from the RtI method would be considered in combination with data from the discrepancy analysis. Under the Combination Method, data from both processes are required.

### Additional Components for Method B – Combination

The components of the Combination Method outlined below **are in addition to** the twelve components outlined above (pp. 10–30) **as well as** the components outlined for Method A – RtI (pp. 33–35) above. This includes but is not limited to, the need for a comprehensive evaluation, the procedural safeguards, or any additional eligibility determination procedures required by IDEA and the USBE SERs.

Additional Components When Using Combination for SLD Eligibility Determination <sup>3</sup>	Potential Tools and Resources	Federal and State Regulatory Language
<p>1. <b>RtI and the evaluation report (see pp. 30–32)</b></p> <p>2. <b>Discrepancy and the evaluation report</b> The evaluation report must include a statement of whether the student's scores demonstrate that a severe discrepancy exists between the student’s intellectual ability and achievement in one or more of the areas of specific learning disability (see pg. 6). The team must document:</p> <p>a. The student’s performance on a standardized, norm-referenced, individually administered achievement</p>	<ul style="list-style-type: none"> <li>▪ <a href="https://discrepancyanalyzer.com/">Utah Discrepancy Analysis Tool (DAT)</a> (https://discrepancyanalyzer.com/)</li> <li>▪ <a href="#">Model Forms</a> <ul style="list-style-type: none"> <li>○ <a href="#">5jb. Team Evaluation Summary Report and Prior Written Notice of Eligibility Determination: Specific Learning Disability - Method B: Combination of RTI and Discrepancy Analysis</a></li> </ul> </li> </ul>	<p><b>34 CFR §300.311(a)(5)(i)</b> (a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in §300.306(a)(2), must contain a statement of—</p> <p>(5) Whether—</p> <p>(i) the child does not achieve adequately for the child’s age or to meet State-approved grade-level standards consistent with §300.309(a)(1);</p> <p><b>USBE SER II.J.10.c.(5)(e)&amp;(g)</b> (5) The team’s documentation of the determination of eligibility with a specific</p>

Additional Components When Using Combination for SLD Eligibility Determination <sup>3</sup>	Potential Tools and Resources	Federal and State Regulatory Language
<p>measure in the area of the suspected disability; and</p> <p>b. The student scored above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual ability; and</p> <p>c. The comparison of the standard scores on the tests of achievement and intellectual ability using a local board-approved and USBE staff-reviewed discrepancy analysis method.</p> <p>d. The team documents consideration of the discrepancy analysis and the team’s determination of whether or not it represents a severe discrepancy.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Does the LEA have a strong Tier 1 program in place?</i></li> <li>➤ <i>Is student data available from a schoolwide Universal Screening assessment tool?</i></li> <li>➤ <i>Did progress monitoring include ongoing targeted assessment in the area(s) of concern?</i></li> <li>➤ <i>Is student data available from Tier 2 and Tier 3 interventions and included in the evaluation report?</i></li> </ul>		<p>learning disability must contain a statement of:</p> <p>(e) Whether the student meets the criteria ... below.</p> <p>(g) <b>Combination (RtI and Discrepancy Analysis).</b></p> <p>(i) RtI—Does not make sufficient progress to meet State-approved age-or grade-level standards when using a process based on the student’s response to scientific evidence-based interventions.</p> <p>(A) Refer to the criteria of II.J.10.c.5.(f) above.</p> <p>(ii) Discrepancy Analysis—identifies that the student’s scores demonstrate that a severe discrepancy exists between the student’s intellectual ability and academic achievement.</p> <p>(iii) The team must document that the student’s performance on a standardized, norm-referenced, individually administered achievement measure in the area of the suspected disability; and</p> <p>(iv) That the student scored above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual disability; and</p>

Additional Components When Using Combination for SLD Eligibility Determination <sup>3</sup>	Potential Tools and Resources	Federal and State Regulatory Language
<ul style="list-style-type: none"> <li>➤ <i>Does the evaluation reflect data collected and analyzed through a problem-solving approach?</i></li> <li>➤ <i>Does the evaluation report summary document the formal and informal data collected during the assessment process?</i></li> <li>➤ <i>Have the parents been informed about the type of intervention their student is receiving?</i></li> <li>➤ <i>Have the parents been provided with documentation of student progress during the intervention period?</i></li> <li>➤ <i>Did the team use an approved discrepancy analyzer for determining if a severe discrepancy was or was not present?</i></li> <li>➤ <i>Does the LEA have an identified process for determining if a severe discrepancy is present in addition to an RtI process?</i></li> <li>➤ <i>Did the student score above the intellectual disability range according to the publisher’s guidelines on a standardized, norm-referenced individually administered measure of intellectual disability?</i></li> <li>➤ <i>How did the team consider, document, and utilize the data from the discrepancy analysis in combination with data from the RtI process?</i></li> </ul>		<p>(A) The comparison of the standard scores on the tests of achievement and intellectual ability using an LEA board-approved and USBE staff-reviewed discrepancy analysis method. The team must document consideration of the discrepancy analysis and the team’s determination of whether or not it represents a severe discrepancy.</p>

## METHOD C – ALTERNATIVE BASED ON A PSW (PATTERNS OF STRENGTHS AND WEAKNESSES) MODEL

Instead of Method A–Rtl or Method B–Combination, LEAs may choose to use an alternative research-based procedure to demonstrate that a student does not make sufficient progress to meet State-approved age- or grade-level standards in one or more areas identified on page three of these guidelines. This alternative method must be approved by the LEA’s local school board, then submitted to the USBE.

Patterns of Strengths and Weaknesses (PSW) has been identified as the State-approved alternative research-based method to determine if a student is eligible for special education and related services under the SLD category.

### Additional Components for Method C – Alternative Based on a PSW (Patterns of Strengths and Weaknesses) Model

The components of the Alternative method outlined below **are in addition to** the twelve components outlined above (pp. 10–30), including but not limited to, the need for a comprehensive evaluation, the procedural safeguards, or any additional eligibility determination procedures required by IDEA and the USBE SERs.

Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p><b>1. Alternative and the evaluation report</b> The evaluation report must include a statement of whether the student does not make sufficient progress to meet State-approved age- or grade-level standards using an approved alternate research-based process.</p>	<ul style="list-style-type: none"> <li>▪ <a href="#">Model Forms</a> <ul style="list-style-type: none"> <li>○ <a href="#">5jc. Team Evaluation Summary Rept and Prior Written Notice of Eligibility Determination: Specific Learning Disability - Method C: Other Alternative Research-Based Method</a></li> </ul> </li> <li>▪ State Achievement Assessments</li> <li>▪ District Assessments</li> </ul>	<p><b>34 CFR §300.311(a)(5)(ii)(B); USBE SER II.J.10.c.(5)(e)&amp;(h)</b> (a);(5) For a child suspected of having a specific learning disability, the team’s documentation of the determination of eligibility ... must contain a statement of (e) Whether the student meets the criteria ... below. <b>(h) Alternative.</b> The use of other alternative research-based procedures (e.g., Patterns of Strengths and Weaknesses [PSW]) approved by LEA school boards and submitted to the USBE. (i) The LEA uses a method that demonstrates the student does not make sufficient progress to meet State-approved age- or grade-level standards in one or more of the areas identified</p>



Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
	<ul style="list-style-type: none"> <li>▪ School/District Programs (research-based/ready)</li> <li>▪ PSW Process Big Picture Infographic</li> </ul>	<p>in Rule II.J.10.b.(3) when using a local school board-approved research-based process.</p> <p>(B);(ii) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with §300.309(a)(2)(ii);</p> <p>(iii) If an LEA has identified PSW as its Alternative Method, the team must:</p> <p>(A) Review data from multiple sources that examines the student’s progress over time in the area(s) of concern when evidence-based instruction has been provided;</p> <p>(B) Identify the student’s strengths and weaknesses that are evident in both the classroom and standardized assessment results;</p> <p>(C) Determine that a relationship between the student’s cognitive processing delays and academic deficits exists;</p> <p>(D) Consider whether the student’s cognitive deficit includes both a normative and an intraindividual <b>weakness</b> that is consistent with academic performance data;</p> <p>(E) Consider whether the student’s cognitive deficit includes both a normative and an intraindividual <b>strength</b> that is consistent with academic performance data; and</p> <p>(F) Identify a relationship between the student’s cognitive weakness and academic performance.</p>

Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>2. Multiple data sources are collected from research-based practices that examine progress over time in the area(s) of concern</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>What patterns are emerging regarding the target student?</i></li> <li>➤ <i>Are data collected using a sufficient number of data points to constitute a pattern? Indicate the number of data points collected.</i></li> </ul>		<p><b>34 CFR §300.306(c)(1)(i-ii); USBE SER II.I.4.a. (1);a.</b> In interpreting evaluation data for the purpose of determining if a <b>child/student</b> is a <b>child/student</b> with a disability under §300.8, and the educational needs of the <b>child/student</b>, each <b>public agency/LEA</b> must—</p> <p><b>(i);(1)</b> Draw upon information from a variety of sources, including aptitude and achievement tests, parent or <b>adult student</b> input, and teacher recommendations, <b>as well as information about the child's</b> physical condition, social or cultural background, and adaptive behavior; and</p> <p><b>(ii);(2)</b> Ensure that information obtained from all of these sources is documented and carefully considered.</p>
<p>3. Analysis of student data and intervention strategies for increasing the student’s rate of learning using a team-based problem-solving approach</p> <p>If the interventions are working for only a small number of students, the school team should examine the intervention match and/or implementation of the intervention.</p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>In comparison to the <b>whole class or grade level</b>, what percentage of students is performing within the same range as the student you are concerned about?</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <a href="#">Dyslexia Handbook</a></li> <li>▪ <a href="#">Utah’s Multi-Tiered System of Supports for Mathematics</a></li> </ul>	<p><b>34 CFR §300.309(a)(1);(2)(ii); USBE SER II.J.10.b.(3)(a) (1);(a)</b> The <b>child/student</b> does not achieve adequately for the <b>child’s/student’s</b> age or to meet State-approved grade-level standards ... when provided with learning experiences and instruction appropriate for the <b>child’s/student’s</b> age or State-approved grade-level standards ... .</p>

Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<ul style="list-style-type: none"> <li>➤ <i>Did the intervention target the specific skill need in the academic area of concern for the student?</i></li> <li>➤ <i>Was the intervention implemented with fidelity over a sufficient period of time according to research and as designed?</i></li> <li>➤ <i>For students who did not respond to the initial intervention, what other interventions and/or strategies were provided?</i></li> </ul>		
<p><b>4. Patterns of strengths and weaknesses are evident in both the classroom and the standardized assessment results</b></p> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Does the analysis of historical and developmental data over time demonstrate a pattern of strengths and weaknesses?</i></li> </ul>	See appendices for example forms	
<p><b>5. Documentation of the team’s consideration of the relationship between cognitive processing weaknesses and academic deficits and the impact on student performance</b></p> <p>a. Psychological (Cognitive) Processes</p> <ol style="list-style-type: none"> <li>1) Comprehension Knowledge (verbal reasoning)</li> <li>2) Fluid Reasoning</li> <li>3) Short-Term Working Memory</li> <li>4) Auditory Processing</li> <li>5) Long-Term Retrieval</li> <li>6) Visual Processing</li> <li>7) Processing Speed</li> <li>8) Quantitative Reasoning</li> </ol>	<ul style="list-style-type: none"> <li>▪ <b>Cognitive Assessments</b> <ul style="list-style-type: none"> <li>○ Differential Ability Scales (DAS)</li> <li>○ Test of Nonverbal Intelligence (TONI)</li> <li>○ Universal Nonverbal Intelligence Test (UNIT)</li> <li>○ Wechsler Intelligence Scale for Children (WISC)</li> <li>○ Woodcock-Johnson Cognitive (WJ-COG)</li> </ul> </li> <li>▪ <b>Academic Assessments</b> <ul style="list-style-type: none"> <li>○ Woodcock-Johnson Achievement (WJ-ACH)</li> </ul> </li> </ul>	<p><b>34 CFR §300.304(b)(1-3);(c)(4); USBE SER II.F.1. (b);1. Conduct of evaluation.</b> In conducting the evaluation, the public agency/LEA must—</p> <p><b>(1);a.</b> Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child/student, including information provided by the parent or adult student ...</p> <p><b>(2);b.</b> Not use any single measure or assessment as the sole criterion for determining ... an appropriate educational program for the child/student; and</p>

Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>b. Academic Processes</p> <ol style="list-style-type: none"> <li>1) Oral Expression</li> <li>2) Listening Comprehension</li> <li>3) Written Expression</li> <li>4) Basic Reading Skills</li> <li>5) Reading Fluency Skills</li> <li>6) Reading Comprehension</li> <li>7) Mathematics Calculation</li> <li>8) Mathematics Problem-Solving</li> </ol> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Were a variety of measures used to gather relevant information in the area(s) of concern?</i></li> <li>➤ <i>Did the assessment include technically sound measures that are able to reliably detect the relative contribution of any cognitive, behavioral, and physical factors?</i></li> <li>➤ <i>Were all areas of suspected disability assessed and considered during the evaluation process?</i></li> </ul>	<ul style="list-style-type: none"> <li>○ Wechsler Individual Achievement Test (WIAT)</li> <li>○ Kaufman Test of Educational Achievement (KTEA)</li> <li>○ Gray Oral Reading Tests (GORT)</li> <li>○ KeyMath DA (KeyMath Diagnostic Assessment)</li> <li>○ Test of Phonological Awareness (TOPA)</li> <li>○ Woodcock Reading Mastery Test-Revised Normative Update (WRMT-R NU)</li> <li>○ Test of Word Reading Efficiency (TOWRE)</li> <li>○ WJ-Muñoz Language Survey</li> </ul>	<p>(3);c. Use technically sound instruments that may assess the relative contribution of the cognitive and behavioral factors, in addition to physical or developmental factors.</p> <p>(c);(e) <i>Other evaluation procedures.</i> Each public agency/LEA must ensure that—</p> <p>(4);(4) The child/student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;</p>
<p><b>6. A process to identify a weakness</b></p> <p>A weakness is defined as the occurrence of both a normative and intraindividual weakness and is consistent with adverse impact on educational performance.</p> <p>a. A normative weakness as defined by the publisher(s) of the assessment (e.g., technical assistance manual or scoring report) or other research-based process.</p>	<ul style="list-style-type: none"> <li>▪ Publisher’s technical guidance manual or scoring report</li> <li>▪ Other approved research-based procedure</li> </ul>	<p><b>34 CFR §300.309(a)(2)(ii)</b></p> <p>(2)(ii) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with §§300.304 and 300.305;</p>

Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>b. An intraindividual weakness is indicated when there is a severe difference between an obtained score and the predicted score as defined by the publisher(s) of the assessment (e.g., technical assistance manual or scoring report) or other research-based process.</p> <p><b>Guiding Question</b></p> <p>➤ <i>Does the LEA have a consistent research-based methodology for identifying a weakness?</i></p>		
<p><b>7. A process to identify a strength</b></p> <p>A strength is defined as the occurrence of both a normative and intraindividual strength and is consistent with academic performance data. <i>(For purposes of special education eligibility, a pattern of strength is based on a normative measure.)</i></p> <p>a. A normative strength is defined as a score within or above the standard average range and is consistent with academic performance data.</p> <p>c. An intraindividual strength is indicated when there is a significant elevation between an obtained score and the predicted score as defined by the publisher(s) of the assessment used or other research-based processes.</p> <p><b>Guiding Question</b></p> <p>➤ <i>Does the LEA have a consistent research-based methodology for identifying a strength?</i></p>	<ul style="list-style-type: none"> <li>▪ Publisher’s technical guidance manual or scoring report</li> <li>▪ Other approved research-based procedure</li> </ul>	<p><b>34 CFR §300.309(a)(2)(ii)</b></p> <p>(2)(ii) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with §§300.304 and 300.305;</p>

Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p><b>8. Individual strengths, weaknesses, and classroom data including targeted interventions are analyzed, documented, and presented</b></p> <ul style="list-style-type: none"> <li>a. Data are presented to multi-disciplinary team members by an individual(s) qualified to interpret the results; multidisciplinary teams are often referred to as teacher assistance teams (TAT), student support teams (SST) or eligibility teams.</li> <li>b. Team uses this data to determine eligibility, inform instruction, and develop interventions and/or accommodations.</li> <li>c. Evidence of individual strengths and weaknesses in academic performance across time as well as current intervention data are considered and documented in the area(s) of concern.</li> </ul> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Were the various assessments used as part of the evaluation process administered and interpreted by qualified personnel?</i></li> <li>➤ <i>Were the results of the evaluation presented to a multidisciplinary team for consideration?</i></li> <li>➤ <i>Is there a consistent process used by the multidisciplinary team to document that the data were used to determine eligibility, inform instructional practice, and help develop interventions to support academic achievement?</i></li> </ul>		<p><b>34 CFR §300.304(c)(1)(iv-v)</b>  (iv) Are administered by trained and knowledgeable personnel; and  (v) Are administered in accordance with any instructions provided by the producer of the assessments.</p> <p><b>USBE SER II.F.1.d.(5);e.(3)</b>  d. Each LEA must ensure that assessments and other evaluation materials used to assess a student:  (5) Are selected and administered by trained and knowledgeable personnel based upon the specific assessment’s requirements;  (3) The administration of psychological testing and the evaluation or assessment of personal characteristics, such as intelligence (e.g., cognitive, IQ), personality, abilities, interests, aptitudes, and neuropsychological functioning are only administered and interpreted by personnel who have been trained and fully meet the administrator/interpreter/user qualifications of the test publisher (e.g., appropriate degree, higher education coursework in tests and measures, and supervised practica).</p>

Additional Components When Using Alternative for SLD Eligibility Determination	Potential Tools and Resources	Federal and State Regulatory Language
<p>9. <b>A meaningful relationship between cognitive weakness and academic performance should be evidenced</b></p> <ul style="list-style-type: none"> <li>a. A consistent, research-based method to determine criteria for documenting the relationship between the academic and the cognitive weaknesses across the LEA.</li> <li>b. Use published guidelines aligning cognitive processes and academic domains or other research-based process.</li> <li>c. Include a multi-disciplinary team statement detailing the impact of the cognitive processing weakness on the measured academic weakness.</li> </ul> <p><b>Guiding Questions</b></p> <ul style="list-style-type: none"> <li>➤ <i>Is there a strong relationship between cognitive processing weaknesses and previously identified academic deficits?</i></li> <li>➤ <i>Do deficits in cognitive processing negatively impact one or more the previously identified areas of academic concern?</i></li> <li>➤ <i>Do the identified cognitive processing weaknesses satisfactorily explain the academic deficits in question?</i></li> </ul>		

## SLD ELIGIBILITY FREQUENTLY ASKED QUESTIONS (FAQS)

**Q1:** Are we required to answer the guiding questions throughout the guidelines?

**A1:** The guiding questions are not required; they are intended to assist teams through the process their LEA has chosen for SLD determination of eligibility. If teams can answer the questions, they have likely met the requirements under the IDEA and the USBE SERs.

**Q2:** Why aren't there any cut scores listed in the SLD Guidelines?

**A2:** The IDEA does not provide specific cut scores for determination of eligibility. Teams must use data from a comprehensive evaluation to determine if a student meets the criteria for eligibility under a specific disability category. The USBE SER follow the regulations as outlined in the IDEA. For information regarding standard scores for specific assessments, refer to the test administration scoring guidelines. More guidance can be found in OSEP's [Policy Letter to Dr. Jim Delisle](#).

**Q3:** Can determination of eligibility and the IEP all be done in one meeting?

**A3:** A team can meet to determine a student's eligibility and if the student is found eligible, develop an IEP in the same meeting. Prior to the meeting, the school should indicate in the notice of meeting that the meeting purpose is to discuss the student's eligibility and if the student is eligible, to discuss/develop an IEP. During the meeting, the team must first determine whether or not the student is eligible and issue documentation to the parent (i.e., team evaluation summary report and written prior notice of eligibility determination). The team may then move on to developing the IEP. The team must issue written prior notice of initial placement and obtain parent consent for initial placement in special education, if the situation involves the student's initial evaluation and first IEP.

**Q4:** If a parent requests an evaluation, but the child is not attending school regularly (i.e., chronically truant/absent), do we evaluate or send a written prior notice stating lack of attendance causes inability to determine if the child has received appropriate instruction?

**A4:** This is a team decision, but lack of attendance does impact instruction. The team should rule out learning struggles as a possible reason for the student not attending and explore other reasons for why the student is not attending.

**Q5:** Do we only review standardized assessments and classroom assessments, or do we look at all classroom markers along with the standardized assessments?

**A5:** A comprehensive evaluation is required for the determination of a SLD, so all available data from classroom markers, classroom assessments, and standardized assessments should be considered. Classroom data are helpful in determining if a pattern of strengths or weaknesses exists and can be used as part of pre-referral and/or eligibility evaluation data. Standardized assessments are conducted to collect additional data after the LEA issues written prior notice of its intent to conduct an evaluation for special education eligibility and obtain written consent for the evaluation. Refer to 34 CFR §300.305(a)(1) and USBE SER II.H.1.a.



- Q6:** Will the USBE provide a reference sheet for aligning the terminology across different psychological tests to help with interpreting data?  
**A6:** One of the required team members is a person qualified to interpret assessment results (34 CFR §300.308; USBE SER II.J.10.b.(2)). Teams should refer to this person for clarification of terminology, if needed. The USBE does not provide reference sheets for information and questions that a licensed or credentialed team member should be interpreting.
- Q7:** Who is responsible for delivering the evaluation information to the parents?  
**A7:** This is a team decision, but the information should be delivered in a team meeting with the parent and LEA professionals who are best equipped to discuss the data. Refer to 34 CFR §300.305(a)(1) and USBE SER II.H.1.a.
- Q8:** Does data from the WIDA ACCESS Assessment have to be included in the comprehensive evaluation process when a student learning English is being evaluated for SLD eligibility?  
**A8:** If available, data from WIDA ACCESS should be included. However, if data from WIDA Access is not available and a student is suspected of having a disability, the team must proceed with the Child Find requirements as outlined in USBE SER and Part B of the IDEA.
- Q9:** If parents mark English as the primary language, how do we evaluate a student learning English?  
**A9:** Teams must evaluate a student in the manner that will yield the most accurate information about the student’s academic, developmental and behavioral functioning. *USBE SER II. F(1)(d) Each LEA must ensure that assessments and other evaluation materials used to assess a student: (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis; (2) Are provided and administered in the student’s native language or other mode of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;*
- Q10:** What are the notice and consent requirements surrounding Rtl:  
**Q10i:** as an instructional model for all students?  
**A10i:** It is best practice to notify parents of any academic or behavior concerns as soon as they become apparent. Parents should be informed of and involved in any interventions that their student is receiving.  
**Q10ii:** as part of evaluation for special education eligibility?  
**A10ii:** If your LEA problem-solving team suspects the student may have a disability, the LEA should notify the parents of its concerns. The LEA must then issue written prior notice of the LEA’s intent to conduct an evaluation for special education eligibility and obtain written consent for the evaluation.
- Q11:** What criteria do interventions have to meet to be considered for eligibility determination?  
**A11:** They must be research-based.

**Q12:** Who is qualified to implement interventions (i.e., teacher, paraeducator, parent)?

**A12:** An individual who is trained in the implementation of the intervention agreed upon by the team and supervised by appropriately credentialed staff if not licensed through the USBE.

**Q13:** How do teams determine appropriate interventions?

**A13:** Appropriate interventions are determined by analyzing individual student data to address the identified need. For more information regarding supports for students in mathematics, refer to [Utah's Multi-Tiered System of Supports for Mathematics \(UMTSS\)](#). [Information](#) regarding supports and interventions for reading can be found in [Utah's Dyslexia Handbook](#). Additional resources include the [What Works Clearinghouse](#), the [National Center on Intensive Intervention](#), and the [RTI Action Network](#).

**Q14:** How exactly is discrepancy determined?

**A14:** A discrepancy refers to a severe difference between aptitude (intelligence) and academic achievement as is most often determined using Reynold's formula. For more information, refer to the [Utah Discrepancy Analysis Tool \(DAT\)](#).

**Q15:** How do we properly incorporate elements from a discrepancy analysis with an RtI process? How much data do we use from each?

**A15:** Teams must decide how to utilize the data collected based on the individual needs of the student. Discrepancy data is a piece of data that must be considered when using the Combination method.

**Q16:** How much time should intervention take?

**A16:** It depends on what you are doing and how much data you have. As a general rule, students should not be in a perpetual intervention cycle. If using a specific program, follow the program guidelines to ensure fidelity of implementation.

**Q17:** Does more than one intervention need to be provided to analyze data over time? This could result in a delay in the referral/evaluation process. How do we address this?

**A17:** If you are addressing multiple areas, you would be doing multiple interventions (one for each area). A student may be responding in one area but not another. Consider if the intervention is a match to the identified student need or if you need to try something different. Communicate with parents and the team about the outcome of the intervention. The team determines how to utilize the data and if further interventions are warranted.

**Q18:** What does "intervention implemented with fidelity over a sufficient period of time" mean?

**A18:** Implementing with fidelity over a sufficient period of time refers to using the intervention as designed by the research, this is also referred to as adherence or integrity to the original approach. Fidelity of implementation helps to ensure the validity of the data.

**Q19:** Can data from statewide assessments be the method used to determine sufficient progress?

**A19:** This data may be used as part of a comprehensive evaluation but should not be the only data used to determine if a student has made sufficient progress in any one academic area.

**Q20:** Is it a common practice with a Combination method to also be using a strengths and weaknesses method when discussing cognitive testing and data collection?

**A20:** These are two different options that an LEA can choose. USBE Special Education Rules require an LEA to adopt a method in their policy and procedures manual. Both PSW and Combination require analysis of data that may indicate a difference in expected achievement levels. PSW examines data over time to determine if there is a strength and/or a weakness in academic skills. The team then applies this information to the results of a cognitive assessment to determine if a relationship between a cognitive profile and an academic profile exists. In the discrepancy analysis of the Combination Method data from standardized assessments is analyzed to determine if there is a severe enough difference between a cognitive profile and academic achievement.

**Q21:** What do you mean by “data over time?”

**A21:** SLD is not an acute condition; it does not suddenly appear. There should be an indication of learning struggles that are apparent over time (e.g., the student has not met age- or grade-level benchmarks for a period of time).

**Q22:** When students are new, how do we determine a pattern over time?

**A22:** Talk with parents, review all available educational records, review end-of-level assessments, report cards, and/or any other educational information available.

**Q23:** What indicates a strength or weakness? Is it a 10-point spread or a 5-point?

**A23:** The IDEA does not provide specific cut scores for determination of eligibility. Teams must use data from a comprehensive evaluation to determine if a student meets the criteria for eligibility under a specific disability category. The USBE SERs follow the regulations as outlined in the IDEA. For information regarding standard scores for specific assessments, refer to the test administration scoring guidelines. More guidance can be found in OSEP’s [Policy Letter to Dr. Jim Delisle](#).

**Q24:** What if the student shows no strengths? Does that disqualify the student?

**A24:** Determination of eligibility is based on information obtained from a comprehensive evaluation. A student may need interventions and extra help, but not qualify for special education services. The team determines how to utilize the data and whether the student is a student with a disability as defined by the IDEA and requires specially designed instruction. A student who does not exhibit a pattern of strengths and weaknesses may not meet the requirements under the IDEA for a “specific learning disability.”

**Q25:** What if there are cognitive and academic weaknesses, but they do not correlate (e.g., average fluid reasoning, but below average math problem solving skills)?

**A25:** The eligibility team should look for a meaningful relationship between the academic and cognitive strength or weakness. A correlation is not required. Some things to consider are: 1) What interventions, strategies, or accommodations should be used given this information? 2) Are the interventions and strategies needed for a sustained period of time in order for the student to make progress?

**Q26:** Does the meaningful correlation between cognitive and academic strengths and weaknesses need to come from a composite/index score or can we use results from subtests?

**A26:** It should come from a composite/index score.

**Q27:** How many data points are sufficient and how often do we need to collect data points?

**A27:** It depends on the intervention. Things to consider are the conditions such as task difficulty, task novelty, practice time interacting with the targeted content, prerequisite skills, instructional prompting and number of opportunities to respond. Additional things to consider are the time, intensity, and duration of the intervention. If a student's rate of growth meets or exceeds the minimal level expected of all students, then the student should not be determined to be a student with a disability.

**Q28:** How many data points constitute a pattern?

**A28:** A pattern is not determined by a number of data points. A pattern should be evident within the analysis of the academic and behavioral data over time. Applying a set number of data points to determine the presence of a strength or weakness can be misleading as two data points can make a straight line and a third can either confirm or disconfirm the pattern. Adding more data points can clarify the pattern or create a cluster plot, all of which yield information for the team to consider. For these reasons, it is not best practice to identify a pattern of strengths and weaknesses from a set number of data points.

**Q29:** What interventions should we use to determine specific cognitive weakness?

**A29:** Interventions do not fix cognitive weaknesses. Strategies and/or accommodations can help a student with a cognitive weakness, but they will not ameliorate the weakness.

**Q30:** Is formal cognitive testing (i.e., the Wechsler Intelligence Scale for Children [WISC], Woodcock-Johnson IV-Test of Cognitive Abilities [WJ-IV COG], etc.) necessary for determining PSW?

**A30:** The USBE has outlined a process for PSW based on a core selective model. With this model, a cognitive profile is examined along with an academic profile to determine the relationship between the cognitive strength or weakness and the academic strength or weakness. All formal cognitive testing should be selected, administered, and interpreted in accordance with any instructions and administrator requirements provided by the producer of the assessments.

**Q31:** When is it appropriate to administer a cognitive test to a student?

**A31:** If the student has gone through a *developmental milestone* since the previous assessment, **or** the team is questioning the validity of the previous assessment.

**Q32:** Do we have to comply with a parent request for a cognitive test?

**A32:** If the team determines that an assessment of cognitive functioning is not necessary to determine initial or continued eligibility, written prior notice of refusal must be provided to the parents.

## SLD ELIGIBILITY GLOSSARY OF TERMS

Term	Definition
<b>Adequate Progress</b>	Adequate progress varies by the intervention. Students who are receiving interventions are monitored frequently and their data is compared to classroom averages. If a student’s rate of growth meets or exceeds the minimal level expected of all students, then the student could be considered to be making adequate progress.
<b>Credentialed</b>	An individual who has the appropriate licensure or training (i.e., USBE, DOPL, etc.) to perform assigned tasks in an educational setting (i.e., instruction, interventions, assessments, supervision, etc.).
<b>Data Over Time</b>	Data collected as part of and prior to the referral that allows for interpretation of similar data sets under different conditions over time. Examples include, but are not limited to, school history related to the referral question, progress monitoring, work samples, teacher reports, observations, formative and summative assessments, and end-of-level assessments.
<b>Evidence-Based</b>	A strategy that has demonstrated a statistically significant effect on improving student outcomes.
<b>Fidelity</b>	Commitment to following all policies and procedures when delivering an intervention. Using the intervention as designed by the research; this is also referred to as adherence or integrity to the original approach.
<b>Formal Assessment</b>	Systematic, pre-planned assessment used to measure learning outcomes. Uses data to evaluate the amount of knowledge a student retains from what the student has been taught.
<b>Informal Assessment</b>	Content and performance-driven assessment incorporated into the daily classroom routine that measures a student’s performance and progress on a specific task or subject matter (i.e., observation, progress monitoring, etc.).
<b>Intraindividual Strength</b>	A score that is statistically higher than the mean of all other processing scores obtained by the student.
<b>Intraindividual Weakness</b>	A score is statistically lower than the mean of all other processing scores obtained by the student. There is a severe difference between an obtained score and the predicted score as defined by the publishers of the assessment used.
<b>Multi-Tiered System of Supports (MTSS)</b>	Addresses both academic and behavioral needs of all students through the integration of data, practices, and systems. MTSS teams evaluate and analyze current practices, establish supportive infrastructure, and utilize data to improve student outcomes.
<b>Normative Strength</b>	A standard score that is above the average range.

<b>Term</b>	<b>Definition</b>
<b>Normative Weakness</b>	A standard score that is below the average range.
<b>Progress Monitoring</b>	Assess student academic performance to determine a student’s rate of improvement or response to instruction. Occurs from the beginning to the end of the intervention being implemented.
<b>Qualified Instructional Staff</b>	Staff who are licensed by the USBE to teach the content they are assigned to.
<b>Research-Based</b>	Scientifically based or validated materials, strategies, or interventions.
<b>WIDA Access Assessment</b>	Summative assessment used with students learning English to measure academic English language in four language domains: Listening, Speaking, Reading, Writing.

**APPENDIX A**  
**EXAMPLE FORMS FOR PSW ADAPTED FROM BOX ELDER SCHOOL DISTRICT**

**What a Specific Learning Disability Is and What it Is Not**

<b>SLD is</b>	<b>SLD is not</b>
An educational disability (a disability category under IDEA)	A disability category based on criteria solely from the Diagnostic and Statistical Manual of Mental Disorders – 5, an outside agency’s professional opinion, or a medical diagnosis
Characterized by intact functioning in many cognitive processes; the student has areas of strengths at or above the average range along with a specific area or areas of processing weaknesses	Characterized by generally low or below average cognitive abilities with little or no areas of strength
Characterized by processing weakness(es) that are linked by research to specific academic weakness(es)	Characterized by processing weakness(es) that are not linked with academic weakness(es)
An educational classification in which a student meets the criteria for SLD, so much so that the student cannot profit in the general education curriculum without special education support	Applied when a student exhibits a pattern of strengths and weaknesses but does not require special education support to benefit from general education curriculum
A wide range of learning difficulties in relation to academic skills	An automatic determination of eligibility for special education services for students with any academic difficulties
An impairment requiring a comprehensive and individual evaluation by an educational team to ensure all federal, state, and district criteria are met	An automatic default category when a student demonstrates lack of progress in the general education setting
Sometimes occurs with other disability conditions (language, sensory)	Primarily explained by another disability category and/or condition (emotional disturbance, intellectual disability, etc.)
A within learner trait	Primarily explained by external factors (such as instructional or environmental variables)
Explained by neurologically based processing deficit or deficits	Primarily explained by low or below average cognitive abilities, a different disability category, or an exclusionary factor

*Adapted from The Ventura County SELPA Pattern of Strengths and Weaknesses Model for Specific Learning Disability Eligibility Procedural Manual.*



## PSW SLD Eligibility Team Decision Making Worksheet

Student Name: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

1. Does formal testing identify academic weakness(es)?  Yes  No

Area	Test Used	Score	Notes

2. The academic weakness(es) identified by formal testing is(are) substantiated by multiple informal assessment measures (check all that apply):

- Progress monitoring (rate of improvement)       Grades  
 Benchmark assessment scores                       Statewide grade-level assessments  
 CBAs/classroom assessment data                       Progress toward goals (reevaluation only)

3. Does the student demonstrate a pattern of cognitive strengths and weaknesses relative to the student's age or grade, with an otherwise normal cognitive profile?  Yes  No

Documented evidence of cognitive strength(s):

Area	Test Used	Score	Notes

Documented evidence of cognitive weakness(es):

Area	Test Used	Score	Notes

4. Is there a research-supported relationship between the student's academic weakness and cognitive weakness?  Yes  No

5. Summarize the team's conclusion based on the evaluation data provided:

Parent Signature \_\_\_\_\_ LEA Representative \_\_\_\_\_

Other Attendee \_\_\_\_\_ Other Attendee \_\_\_\_\_

## Pattern of Strengths and Weaknesses Hypothesis Worksheet

Student Name:

Grade:

Teacher:

### Grade Level Achievement/Classroom Performance

Academic Areas*	Benchmark or Criterion Expectation	Rate of Improvement	Grades	Statewide Grade-Level Assessment	Teacher Observation
Basic Reading	S or W	S or W	S or W	S or W	S or W
Reading Fluency	S or W	S or W	S or W	S or W	S or W
Reading Comprehension	S or W	S or W	S or W	S or W	S or W
Math Calculation	S or W	S or W	S or W	S or W	S or W
Math Problem-Solving	S or W	S or W	S or W	S or W	S or W
Written Expression	S or W	S or W	S or W	S or W	S or W
Oral Expression <sup>†</sup>	S or W	S or W	S or W	S or W	S or W
Listening Comprehension <sup>†</sup>	S or W	S or W	S or W	S or W	S or W

\* = Only select strengths and weaknesses for areas supported by classroom/instructional RtI data

<sup>†</sup> = Consider referral to speech language pathologist

Teacher comments:

### Classroom Performance

Cognitive Areas	Definition	Teacher Observation
Verbal Knowledge/Comprehension (Gc)	Depth and breadth of knowledge, general understanding of spoken language.	S or W
Fluid Reasoning (Gf)	Novel reasoning and problem-solving skills.	S or W
Long-Term Memory (Glr)	Ability to store and fluently retrieve information.	S or W
Short-Term/Working Memory (Gsm)	Ability to hold information in immediate awareness.	S or W
Visual Spatial Processing (Gv)	Ability to use visual spatial awareness to solve problems.	S or W
Auditory Processing (Ga)	Ability to analyze and synthesize auditory information.	S or W
Processing Speed (Gs)	Ability to perform simple tasks quickly and fluently.	S or W

Teacher comments:

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_ Sex: \_\_\_\_\_

## **Pattern of Strengths and Weaknesses Evaluation Summary**

Examiner: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Date(s) of Assessments: \_\_\_\_\_

### **Background Information**

Brief reason for referral and source of referral: \_\_\_\_\_

Environmental, cultural, and economic information: \_\_\_\_\_

Health and developmental information: \_\_\_\_\_

Educational history/attendance (Held back? Moved districts? Homeschooled? etc.) \_\_\_\_\_

Students learning English: \_\_\_\_\_

### **Referral Concern and Record Review**

Detailed referral concern: \_\_\_\_\_

Data reviewed prior to referral:

Acadience Reading, benchmarks, rate of improvement

Intervention data, BELS or BEPA progress, tracker data

Behavior records

Statewide grade-level assessment

Cumulative records

Grades

WIDA ACCESS scores

### **Tests Administered**

Parent interview

Teacher interview

Rating scales

Other

Student Name:

Date of Birth:

Age:

Grade:

Sex:

## Results

### *Cognitive Assessments*

Assessment Name:

Index	Provides an aggregate measure of	Standard Score	Descriptive Range

Assessment Name:

Index	Provides an aggregate measure of	Standard Score	Descriptive Range

### *Academic Assessments*

Assessment Name:

Composite Area	Subtest	Standard Score	Descriptive Range

Assessment Name:

Composite Area	Subtest	Standard Score	Descriptive Range

Student Name:

Date of Birth:

Age:

Grade:

Sex:

### PSW Analysis

#### Fluid Reasoning

Fluid intelligence or fluid reasoning is the capacity to reason and solve novel problems, independent of any knowledge from the past. It is the ability to analyze novel problems, identify patterns and relationships that underpin these problems and the extrapolation of these using logic. Low score on measures of Fluid Reasoning are correlated with academic difficulties in Reading Comprehension, Written Expression, Math Calculation, and Math Problem Solving.

**Fluid reasoning composite test and date:**

**Academic comparison area, test, and date:**

**Student score:**

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**
- This score represents neither a strength nor weakness***

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**

Conclusion and relationship with academic weakness:

Research suggests there is a strong/weak/nonexistent relationship between student’s cognitive weakness in fluid reasoning and his/her academic deficit in:

#### Verbal Knowledge/Comprehension

Verbal knowledge/comprehension includes general verbal information, language development, and lexical knowledge. General verbal information refers to the breadth and depth of one’s knowledge. Language development is the general understanding of spoken language (words, idioms, sentences). Lexical knowledge is the level of vocabulary that can be understood (usually measured by providing oral definitions for words).

**Verbal comprehension composite test and date:**

**Academic comparison area, test, and date:**

**Student score:**

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**
- This score represents neither a strength nor weakness***

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**

Conclusion and relationship with academic weakness:

Research suggests there is a strong/weak/nonexistent relationship between student’s cognitive weakness in verbal comprehension and his/her academic deficit in:

#### Visual Processing

Visual processing is the mental/psychological construct defined by cognitive mechanisms that are involved in the retention, processing, and organization of visual information so as to demonstrate accurate perception, as distinct from visual acuity. This type of cognitive processing ability involves the ability to generate, perceive, analyze, synthesize, manipulate, and transform visual patterns

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_ Sex: \_\_\_\_\_

and stimuli. Measures of the visual process may include factors such as spatial awareness, visual-perceptual skills, perceptual organization, visual mental manipulation, and perceptual discrimination. Weaknesses in visual Processing is correlated with low performance in Reading Comprehension and Math Calculation.

**Visual processing composite test and date:**

**Academic comparison area, test, and date:**

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**
- This score represents neither a strength nor weakness***

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**

Conclusion and relationship with academic weakness:

Research suggests there is a strong/weak/nonexistent relationship between student's cognitive weakness in visual processing and his/her academic deficit in:

### *Long-Term Memory*

Long-term memory is the ability to store, efficiently consolidate, and fluently retrieve information over periods of time. Students who have deficits in long-term memory may struggle to learn new concepts, rapidly retrieve information, rapidly generate ideas, and retrieve information by using associations. Research suggests there is a strong relationship between long-term memory and the following academic processes: basic reading, reading comprehension, and reading fluency, math calculation, math problem solving, written expression, listening comprehension, and oral expression.

**Long-term memory composite test and date:**

**Academic comparison area, test, and date:**

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**
- This score represents neither a strength nor weakness***

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**

Conclusion and relationship with academic weakness:

Research suggests there is a strong/weak/nonexistent relationship between student's cognitive weakness in long-term memory and his/her academic deficit in:

### *Short-Term Memory*

Short-term, or working, memory is a system for temporarily storing and managing the information required to carry out complex cognitive tasks such as learning, reasoning, and comprehension. Short term memory is often measured using either auditory or visual stimuli. Auditory working memory is associated with Basic Reading Skills, Reading Fluency, Reading Comprehension, Written Expression, Math Calculation, Math Problem Solving, Listening Comprehension and Oral

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_ Sex: \_\_\_\_\_

Expression. Visual Working Memory is associated with Reading Comprehension, Written Expression, Math Calculation and Math Problem Solving.

**Short-term memory composite test and date:** \_\_\_\_\_ **Academic comparison area, test, and date:** \_\_\_\_\_

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**
- This score represents neither a strength nor weakness***

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**

Conclusion and relationship with academic weakness:

Research suggests there is a strong/weak/nonexistent relationship between student's cognitive weakness in short-term memory and his/her academic deficit in:

### *Auditory Processing*

Auditory processing is the ability to perceive, analyze, synthesize, and discriminate speech and other auditory stimuli. Auditory processing is what the brain does with information received through the ear; it is not measuring whether or not a student can hear. Auditory processing has a strong relationship with language and literacy skills. Students with auditory processing problems have difficulty recognizing and interpreting sounds, which leads to difficulty understanding language and other auditory information.

**Auditory processing composite test and date:** \_\_\_\_\_ **Academic comparison area, test, and date:** \_\_\_\_\_

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**
- This score represents neither a strength nor weakness***

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**

Conclusion and relationship with academic weakness:

Research suggests there is a strong/weak/nonexistent relationship between student's cognitive weakness in auditory processing and his/her academic deficit in:

### *Processing Speed*

Processing speed has to do with how quickly a person is able to carry out simple or automatic cognitive tasks; usually this is measured under time pressure such that a degree of focused attention is involved. Other brain functions such as perception and motivation also come into play in order for a person to exhibit good processing speed. Processing speed measures a student's speed and accuracy of visual identification, decision making, and decision implementation. Performance on the Processing Speed Index (PSI) is related to visual discrimination, visual scanning, short-term visual memory, visuomotor coordination, and concentration. Processing speed is the ability to perform simple, repetitive cognitive tasks quickly and fluently. Students who struggle with speed of processing typically have difficulties in efficiently processing information,

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_ Sex: \_\_\_\_\_

working within time parameters, and completing simple, rote tasks quickly. Processing speed is shown in the literature to correlate strongly with Basic Reading Skills, Reading Fluency, Reading Comprehension, Written Expression, Math Calculation, Math Problem-Solving, Listening Comprehension and Oral.

**Processing speed composite test and date:**

**Academic comparison area, test, and date:**

**Student score:**

**Student score:**

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**
- This score represents neither a strength nor weakness***

- Intraindividual/Normative **STRENGTH**
- Intraindividual/Normative **WEAKNESS**

Conclusion and relationship with academic weakness:

Research suggests there is a strong/weak/nonexistent relationship between student's cognitive weakness in processing speed and his/her academic deficit in:

*Behavior*

A behavior assessment was administered to provide insight into student's behaviors in the home and school contexts.

**Behavior assessment and date:**

At-Risk	Clinically Significant

Observations:

Summary:

Recommendations:

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School Psychologist



# APPENDIX B EXAMPLE FORMS FOR PSW ADAPTED FROM NEBO SCHOOL DISTRICT

## PSW Relationship of Processing Areas

### Verbal Comprehension (Comprehensive Knowledge, Oral Language)

- **Description:** The linguistic processes that allow one to communicate effectively, such as the ability to use words and construct meaningful sentences
- **Potential Tests:** WJ-IV: language development, general information, lexical knowledge, listening ability; WISC-V: similarities, vocabulary, information, comprehension; WPPSI-IV: information, similarities vocabulary, receptive vocabulary, picture naming, comprehension
- **Research-Based Link to Academic Area:** Basic Reading, Reading Comprehension, Reading Fluency, Math Problem-Solving, Written Language, Oral Expression, Listening Comprehension

### Fluid Reasoning

- **Description:** Problem solving, inductive and deductive reasoning, quantitative reasoning
- **Potential Tests:** WJ-IV: induction, general sequential reasoning, quantitative reasoning; WISC-V: matrix reasoning, figure weights, picture concepts, arithmetic; WPPSI-IV: matrix reasoning, picture concepts
- **Research-Based Link to Academic Area:** Reading Comprehension, Math Calculation, Math Problem-Solving, Written Language

### Visual Processing

- **Description:** Ability to perceive, analyze, synthesize, manipulate, and transform visual patterns and images, including those generated internally; the visual aspect applies to processing static characteristics of an image; the spatial component processes location and movement
- **Potential Tests:** WJ-IV: visualization, visual memory, spatial scanning; WISC-V: block design, visual puzzles; WPPSI-IV: block design, object assembly
- **Research-Based Link to Academic Area:** Math Calculation, Math Problem-Solving

### Auditory Processing

- **Description:** Processes involved in perceiving, analyzing, synthesizing, and discriminating speech and other auditory stimuli; can include the awareness and manipulation of phonemes, the smallest units of speech that are used to form syllables and words; may also include speed of lexical access
- **Potential Tests:** WJ-IV: phonetic coding, memory for sound patterns; WISC-V: naming speed literacy, naming speed quantity; KTEA-3: phonological processing, associational fluency, letter naming facility; Acadience Reading: PSF, FSF
- **Research-Based Link to Academic Area:** Basic Reading, Reading Fluency, Reading Comprehension, Written Language, Listening Comprehension

### Processing Speed

- **Description:** How quickly information is processed and how efficiently simple cognitive tasks are executed over a sustained period of time
- **Potential Tests:** WJ-IV: perceptual speed, number facility; WISC-V: coding, symbol search, cancellation; WPPSI-IV: bug search, cancellation, animal coding
- **Research-Based Link to Academic Area:** Basic Reading, Reading Fluency, Math Calculation, Math Problem-Solving, Written Language, Oral Expression, Listening Comprehension

### Short-Term Working Memory

- **Description:** Ability to transform verbal or visual information that is being held in short-term memory or has been retrieved from long-term memory
- **Potential Tests:** WJ-IV: memory span, working memory capacity, attentional control; WISC-V: digit span, picture span, letter number sequencing; WPPSI-IV: picture memory, zoo locations
- **Research-Based Link to Academic Area:** Basic Reading, Reading Comprehension, Reading Fluency, Math Calculation, Math Problem-Solving, Written Language, Oral Expression, Listening Comprehension

### Long-Term Memory and Retrieval

- **Description:** Delayed recall of new learning and the efficient retrieval of previously acquired knowledge
- **Potential Tests:** WJ-IV: associative memory, meaningful memory, ideational fluency, naming facility, speed of lexical access, word fluency; WISC-V: immediate symbol translation, delayed symbol translation, recognition symbol translation, naming speed literacy, naming speed quantity; WPPSI-IV: Information, receptive vocabulary, comprehension, vocabulary, picture naming
- **Research-Based Link to Academic Area:** Basic Reading, Reading Fluency, Reading Comprehension, Math Calculation, Math Problem-Solving, Written Language, Oral Expression, Listening Comprehension

### Directions

The above information is an overview of the most likely basic psychological processes involved in each federally defined area of academic achievement skill. Teams may refer to the above information when developing a working hypothesis as to the nature of the student's academic difficulty. Multiple data points or measures should be used to identify academic and psychological processing strengths and weaknesses. As with all basic psychological events, there is some overlap between psychological processes, as well as across academic domains.

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## Worksheet for Documenting Patterns of Strengths and Weaknesses

Student Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Date \_\_\_\_\_

Reason for Referral (Concerns):

### Achievement with Respect to Grade-Level Expectations

Norm Referenced Test \_\_\_\_\_ Date \_\_\_\_\_

S = Strength    N = Neither Strength nor Weakness    W = Weakness

Academic Areas Assessed	RISE or Other State Testing	Grades or Work Samples	Classroom Observation	Benchmarks	Progress Monitoring or Intervention Data	Teacher Running Records/ Classroom Data	Norm Referenced Test	Norm Referenced Test Scores	Total # of "S"	Total # of "W"
Basic Reading	S N W	S N W	S N W	S N W	S N W	S N W	S N W			
Reading Fluency	S N W	S N W	S N W	S N W	S N W	S N W	S N W			
Reading Comprehension	S N W	S N W	S N W	S N W	S N W	S N W	S N W			
Math Calculations	S N W	S N W	S N W	S N W	S N W	S N W	S N W			
Math Problem-Solving	S N W	S N W	S N W	S N W	S N W	S N W	S N W			
Written Expression	S N W	S N W	S N W	S N W	S N W	S N W	S N W			
Oral Expression	S N W	S N W	S N W	S N W	S N W	S N W	S N W			
Listening Comprehension	S N W	S N W	S N W	S N W	S N W	S N W	S N W			

**Area(s) of Weakness:** At least four (4) “W” checks for each SLD area, including at least one (1) individually administered academic achievement assessment.

- Basic Reading                       Reading Comprehension                       Math Problem-Solving                       Oral Expression  
 Reading Fluency                       Math Calculations                       Written Expression                       Listening Comprehension

**Cognitive Assessment** \_\_\_\_\_ **Date** \_\_\_\_\_

**SS** = Standard Score      **S** = Strength      **N** = Neither Strength nor Weakness      **W** = Weakness

<b>Quantitative Reasoning</b>	<b>Comprehension Knowledge</b>	<b>Fluid Reasoning</b>	<b>Visual Spatial Thinking</b>	<b>Auditory Processing</b>	<b>Processing Speed</b>	<b>Short-Term Memory</b>	<b>Long Term Retrieval</b>
The ability to inductively and deductively reason with concepts involving mathematical relations and properties.	“Crystallized knowledge,” the breadth and depth of knowledge including communication and information.	The ability to reason and solve problems that often involve unfamiliar information or procedures.	Spatial orientation, the ability to analyze and synthesize visual stimuli, and the ability to hold and manipulate mental images.	The ability to discriminate, analyze, and synthesize auditory stimuli (related to phonological awareness).	Refers to the speed and efficiency in performing automatic or very simple cognitive tasks.	The ability to hold information in immediate awareness and then use it within a few seconds.	The ability to store information efficiently and retrieve it later through association.
SS:	SS:	SS:	SS:	SS:	SS:	SS:	SS:
S N W	S N W	S N W	S N W	S N W	S N W	S N W	S N W

**Academic and cognitive weakness(es) should have a documented relationship:**

## Suggested Guidelines for Determining Strengths and Weaknesses

### RISE or Other State Testing

- **Strength:** Level 3 or Level 4
- **Weakness:** Level 1 or Level 2

### Grades or Work Samples

- **Strength:** A/B *or* Excellent or Satisfactory
- **Weakness:** D/F *or* Needs Improvement or Unsatisfactory

### Observations – Academic

- **Strength:** Student demonstrates average understanding of academic content in comparison to other students in the classroom
- **Weakness:** Student demonstrates he/she does not understand the academic content

### Observations – Functional

- **Strength:** Student demonstrates typical functional skills in comparison to other students the same age or in the same grade
- **Weakness:** Most of the student’s functional skills appear to be well below average in comparison to other students the same age or in the same grade

### Benchmarks\*

- **Strength:** At “benchmark” level or above grade-level median score if using local norms *or* Score at or above 80%
- **Weakness:** At “at-risk” level or below 10%ile if using local norms *or* Score at *or* below 70%

### Progress Monitoring or Intervention Data

- **Strength:** Meeting or exceeding aim line
- **Weakness:** Falling below aim line for three to four consecutive weeks on most recent tests

### Teacher Running Records/Classroom Data

- **Strength:** Based upon professional judgment of teacher in comparing student to others in the classroom
- **Weakness:** Based upon professional judgment of teacher in comparing student to others in the classroom

### Other:

- **Strength:** Skills at or above grade level
- **Weakness:** Skills well below grade level

### Norm-Referenced Achievement Tests\*

- **Strength:** SS > 85 *or* Percentile Rank  $\geq 16$
- **Weakness:** SS  $\leq 80$  *or* 81–85 with significant supporting data *or* Percentile Rank  $\leq 10$

### Intellectual/IQ Psychological Processes\*

- **Strength:** Statistically significant by the test publisher *or*  $\geq 90$  Standard Score *or*  $\geq 25^{\text{th}}$  Percentile *or*  $\geq 9$  points above the lowest cognitive score, if the student has a below average profile
- **Weakness:** Statistically significant by the test publisher *or*  $\leq 80$  Standard Score *or*  $\leq 10^{\text{th}}$  Percentile *and*  $\geq 12$  points lower than the General Ability or FS IQ for relative weakness

\* = The suggested scores and percentiles above are defined by Nebo School District based on the assessments they have approved for use in their LEA. Please note that USBE does not set cut scores to identify a strength or a weakness. The USBE recommends test administrators refer to the publisher guidelines of each assessment in determining the significance of a strength or weakness based on an individual score.

### Other Factors and Parental Input